



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

March 28, 1984

Maryland Department of Transportation
c/o Automobile Dismantler and Recycler Division
Ms. Marge Murphy
6601 Ritchie Highway
Glen Burnie, Maryland 21062

RE: Case No. 82-218-SPH
Diffendall Property

Dear Ms. Murphy:

Having reviewed Case No. 82-218-SPH which dealt with the Diffendall property on Eastern Avenue, it is my interpretation that the transfer of License No. J-066700 from 8126 Eastern Boulevard (rear) to 8134 Eastern Boulevard will still be in conformance with the above referenced case.

J&S Used Auto Parts will be permitted to use 8134 Eastern Avenue for the placement of an associated office.

Sincerely,

A handwritten signature in dark ink, appearing to be "AJ", is written over the typed name and title.

ARNOLD JABLON
Zoning Commissioner

AJ:eoh

cc: file

extension of Diamond Point Road. During the said condemnation and construction the portion of the Defendant's property to the north side of Diamond Point Road was isolated and he was denied access thereto. The Board, in good conscience, cannot find that there was an abandonment of that portion of the subject property on the north side of Diamond Point Road because of the operation of a governmental authority in the two years or so that it took to construct Diamond Point Road, and consequently we hold that legal non-conforming use extends to that portion of the subject property also. Consequently the Board finds as a fact that the subject property enjoys a continuous non-conforming use in its entirety for the reasons noted above. The Board, however, feels that in an effort to alleviate some of the congestion and other problems, that the continued present use of the subject property should not be permitted to exist adjacent to the existing public roads.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of January, 1976, by the County Board of Appeals ORDERED, that the zoning violation against the Defendants is hereby DISMISSED; and it is

FURTHER ORDERED, that any use of the subject property within twenty-five (25) feet of the public right of way of Diamond Point Road and Oriole Avenue for wrecking businesses, junk yards, storage of wrecked or damaged vehicles and/or the parking of private passenger vehicles and/or trucks is hereby expressly prohibited.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gifford
Robert L. Gifford
Chairman
John A. Miller
John A. Miller
Member

AUGUSTINE J. MULLER
COUNTY COMMISSIONER
ROLAND B. PIEL
BUILDINGS ENGINEER
CLARENCE C. GERR
CHIEF INSPECTOR
R. C. Heinmüller
Zoning Engineer

Buildings and Zoning Department
of Baltimore County

303 WASHINGTON AVE., TOWSON 4, MARYLAND
Telephone Towson 3000-Extensions 18
Buildings 17

BOARD OF ZONING APPEALS

H. GUY CAMPBELL
CHAIRMAN
DANIEL W. HUBER
CARL F. VONDER

February 2, 1952

Mr. William Dailey
Cedar Beach
Baltimore 21, Md.

Dear Mr. Dailey:

With reference to your recent inquiry relative to Zoning along Eastern Avenue in the 15th District of Baltimore County, I wish to advise as follows: The north side of Eastern Avenue running from Oriole Avenue east to the Back River Bridge is zoned commercial for a depth of 150 feet.

Trusting that this is the information you desire and if we can be of further help please advise.

Very truly yours,

R. C. Heinmüller
Zoning Engineer

EXHIBIT 3



BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

JAMES D. LUCAS, JR.
DIRECTOR

April 28, 1981

Mrs. Charlotte Diffendall
1301 Macton Road
Street, Maryland 21154

Dear Mrs. Diffendall:

Thank you for getting in touch with us regarding your 31 acres at Eastern Boulevard. When we talked, you indicated that you had not listed this property with anyone but now wished to alert potential buyers of its availability.

Having received specific information on your site, it was apparent to me that we do in fact have this property listed, and do include it in our site surveys when it seems appropriate. I have enclosed a copy of the sheet detailing the site which we would send out as part of our survey.

I hope that we will be able to work with you in finding a suitable user for the site. Please let me know if there is anything else we can do to help.

Warm regards,

Arthur W. Putzel
ARTHUR W. PUTZEL
Deputy Director

AWP/mae
Enclosure

PETITIONER'S
EXHIBIT 5

SITE

Location:	Northwest corner of Eastern Boulevard and Diamond Point Road
Acres:	31
Subdivides:	No
Zoning:	MH
Assessment:	\$315,650.
Utilities:	Sewer available, water, gas and electric
Access Roads:	Eastern Avenue, Diamond Point Road, Oriole Avenue
Owners:	Charlotte Diffendall, 879-4925
Remarks:	Non-conforming use for junking. Waterfront is not navigable.

April 15, 1991

Mr. Art Putzell
Baltimore County Economic Development Commission
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Diffendall property, Eastern Boulevard, 15th District
Dear Mr. Putzell,

With reference to our recent conversation, I wish to have the captioned property included in the inventory of industrial sites available in Baltimore County and submit the following information.

The property consists of approximately 31 acres. It is located on the north side of Eastern Boulevard within the perimeter formed by Diamond Point Road & Oriole Avenue. The tax map number is 17-07-01941. There is approximately 1700 front feet on Eastern Boulevard with the Patuxent Freeway to 400 feet immediately to the west of the property line providing excellent access to I-95.

Sewerage is available only on the westernmost portion of the property. Water is available along Eastern Boulevard and there is no flood plain.

The property is zoned MH and has a non-conforming use for a junk yard or auto grave yard. The property is improved by a residence and ten concrete block commercial structures. Two of these serve the auto parts businesses established there; the remainder serve as locations for various auto related businesses and a salvage business.

The subject property is not currently listed with any real estate agency.

Very truly yours,

Charlotte Diffendall

County industrial land lags

By Ted Shelby

Baltimore County, fourth largest in size among Maryland's 23 counties, has only 2,521 acres of industrial land ready for immediate development, according to a recently completed land survey by the county's Economic Development Commission.

This total represents about 21 percent of the some 12,000 acres that had been classified as vacant industrial land. The commission's land evaluation study determined that only 6,758 acres of the 12,000 was potentially suitable for development.

Concerning the survey—which includes changes in the status of property as late as last November—Arthur W. Putzell, deputy director of the Baltimore County Economic Development Commission, said: "We knew we had 12,000 acres of land, but we didn't know how much of it was developable. You can't plan for the future unless you know this."

He added, "Now when a prospect comes in we would have already done a preliminary feasibility analysis" that includes information on sewer, water, highways, topography, flood plains, where projected roads might be and where projected water and sewerage might be.

The 156-page report, entitled Survey of Vacant Industrial Land, noted that the vast majority of the land (12,211 acres) that is immediately available for development is located on the eastern side of the county.

Less than 600 acres are available on the entire western side of the county. The central part of the county had 418 acres ready for development and another 419 acres were located in the northeast section of the county.

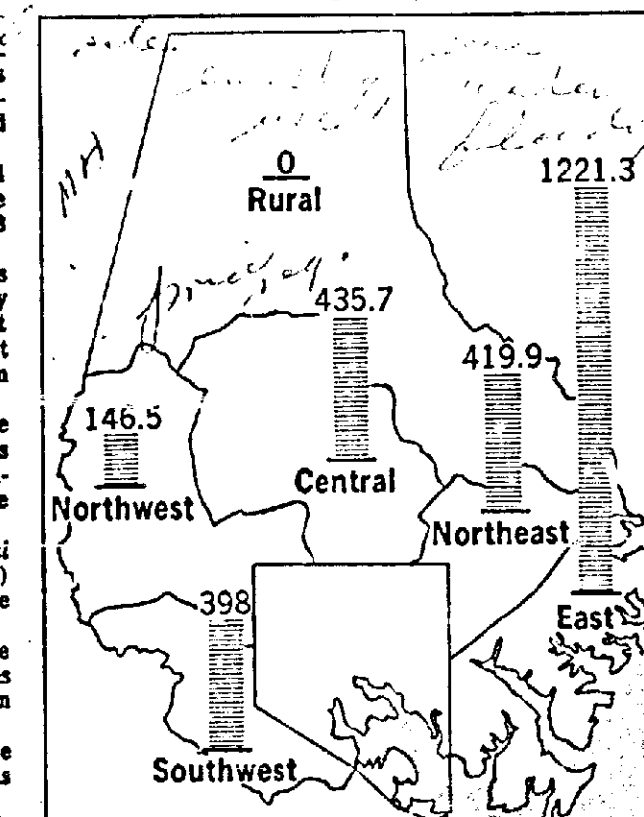
The study also concluded that vacant industrial land suitable for development in the heavy, manufacturing classification is essentially unavailable outside of the eastern planning area.

Land zoned manufacturing, light (ML) dominated land availability—over two thirds of the immediately suitable land is zoned ML. This land is also concentrated quite heavily on the east side of the county.

The survey—which was prepared jointly by the economic development commission and Smith/Barlow, Inc., a land planning firm—also noted that another 755 acres of land would be ready for development at the conclusion of Baltimore County's six-year capital improvement program.

Concerning other land that was potentially suitable for development, the survey noted that another 1,311 acres would be available if planned, but not scheduled, capital improvements were completed. It listed another 1,514 acres that would cost developers more than \$10,000 a acre in infrastructure costs to make ready for use.

Another 488 acres was listed under the category of limited use land. Mr. Putzell said this was typically land that did not have sewerage, but could be used for such projects as mini warehouses. He said the 488 acres included one plot that was completely surrounded by residential development.



Map shows Baltimore County's eastern part offers the greatest portion of vacant industrial land ready for development.

RE: PETITION FOR SPECIAL HEARING: BEFORE THE ZONING COMMISSIONER
N/S of Eastern Blvd., 65'
W of Diamond Point Rd.,
15th District

OF BALTIMORE COUNTY

CHARLES A. DIFFENDALL, : Case No. 82-218-SPH
et ux, Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore

County Charter, I hereby enter my appearance in this proceeding. You are requested

to notify me of any hearing date or dates which may be now or hereafter designated

thereof, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman *John W. Hession, III*
Peter Max Zimmerman John W. Hession, III
Deputy People's Counsel People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of March, 1982, a copy of the foregoing Order was mailed to J. Earle Plumhoff, Esquire and Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioners.

John W. Hession, III
John W. Hession, III

MAILING ADDRESS
P.O. BOX 5486
WSON, MARYLAND 21204

Honorable Jean M. H. Jung
Deputy Zoning Commissioner
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

RE: Special Hearing Concerning Non-Conforming Uses
On The Diffendall Property

Dear Commissioner Jung:

I have spoken with our clients the Diffendalls, as well as with Mr. Braverman, regarding the special hearing case which, as you will recall, occupied the entire hearing day on April 8, 1982. Both the Diffendalls and Mr. Braverman are agreeable to closing our respective cases based upon the evidence thus far presented in the matter.

Thanking you and your staff for your consideration of this complex case, and awaiting your decision in the matter, I am -

Respectfully,

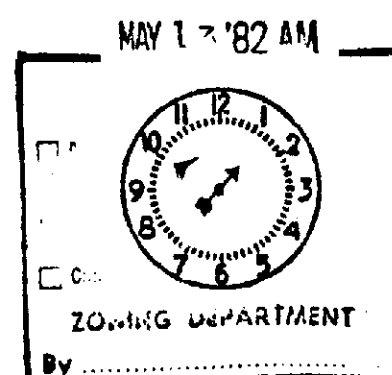
Newton

Newton A. Williams

NAW:pr

cc: Mr. Alvin Braverman
8633 Loch Raven Boulevard
Towson, Maryland 21204

cc: Mr. and Mrs. Charles Diffendall
1301 Macton Road
Street, Maryland 21154



PROPERTY OF THE
LIBRARY OF THE
2

September 9, 1980

Mr. Newton A. Williams
Nolan, Plomhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Williams,

Enclosed are the uses, by location, of the front properties on Eastern Blvd., as requested on 9/5/60.

I found records to support most of the years since our marriage. Missing are 1950, 1951, 1953 and 1957. I supplied the name of the tenants for these years at the various locations whenever our memory could provide us with same or where the record indicated a continuing tenancy. There are no records in existence prior to 1950.

Some confusion will arise over these records since some identifying postal numbers were changed from time to time; a large residence was razed, small wooden structures were moved and new structures were built and numbers were juggled accordingly.

The 19 and part acres purchased from John J. Pratt in 1950 were rented by my husband for a number of years prior thereto. An acre on Back River was also purchased in 1950. 8122 Eastern Blvd. was purchased in 1963 but has a history of a continuous use since the late 1930's or early 1940's. The balance of the property was acquired between 1931 and 1942.

know. If I can be of further help, please let me

Very truly yours,

Charlotte Diffendall

encs.

<u>YEAR</u>	<u>TENANT</u>	<u>USE</u>
1942 - 1963	Eugene Sawyer	Used cars, repairs & parts
1964	Eugene Sawyer & Dundalk Cars	Used cars, repairs & parts
1965	Dundalk Cars	Used cars, repairs & parts
1966	Dundalk Cars & Dundalk Sales	Used cars, repairs & parts
1967 - 1969	Dundalk Sales	Used cars, repairs & parts
1970	Eugene Sawyer	Used cars, repairs & parts
1971	E. Sawyer & Joe's Motors	Used cars, repairs & parts
1972 - 1976	Joe's Motors	Used cars, repairs & parts
1977 - 1978	Joe's Motors & Dominic's Motors	Used cars, repairs & parts
1978	Dominic's Motors & J. & S. Used Cars	Used cars, repairs & parts
1979 - 1980	J. & S. Used Cars	Used cars, repairs & parts

YEAR	TENANT	USE
1950	Present structure built	
1951 - 1959	E. Diffendall	Auto rpts & parts sales
1960	F. L. Stevens & E. Sawyer	Auto rpts & parts sales
1961 - 1963	E. Sawyer	Auto rpts & parts sales
1964	E. Sawyer & Dundalk Cars	Auto rpts & parts sales
1965 - 1966	Kingston Movers	Gen. stor & tsk Stor & rpr
1967 - 1969	E. Diffendall	Auto rpts & parts sales
1970	W. Dolata	Auto rpts & parts sales
1971	W. Dolata, J. Anderson & O Ray Motors	Auto rpts & parts sales
1972 - 1974	O'Ray Motors	Auto rpts & sales
1975 - 1980	George's Glass	Auto rpts & glass
1981 - 1982	George's Glass	" "
1983 - 1985	George's Glass	" "

Notes: Before construction of this building, property was used for storage of tanks by Forrest Auto Parts.

YEAR	TENANT	USE
1963	Ray Slayton	Used cars & rprs.
1964	Arnold's Factory Supplies	?????? how. 1963 - Jan 1964 (3 months)
1965	Chesapeake Motor Sales & Middle River Garage	Auto body parts & rprs. Used cars & rprs.
1966 - 1969	A. I. Robertson	Comm. canvas prods. & trk stor & trk rpr
1970	Robertson, Joe's Motors & Soft-Serve Equipment	Comm. canvas prods. & used car sales & trk stor. & trk rpr.
1971	Soft-Serve & Don's Motors	Trk. stor. & rpr. & used car sales
1972	Don's Motors & Joe's Motors	Used car sales & repairs
1973	Jaybee Motors & George's Glass	Used car sales, repairs & auto glass
1974 - 1980	George's Glass	Used car sales, repairs & auto glass
1980 - 1982	GEORGE'S GLASS	

Note: This location owned and operated during the 1960's, 1950's and early 1960's by R.V. Hartman and/or Arnold Treashway. Hartman and/or Treashway was active for a gasoline station, auto repairs, auto sales and used parts sales. Prior to their man named Samuders owned the property and used it as a service garage. We acquired this parcel from R. Hartman in 1963.

<u>YEAR</u>	<u>TENANT</u>	<u>USE</u>
1952	E. Keene & C. Butchis	Auto sales & rprs
1953	No record	
1954	R. Hartman, W. Ellier & Md. Adv.	Auto sales & repts & adv.
1955	W. Ellier & Md. Adv. Co.	Auto sales & rprs & adv.
1956	W. Ellier	Auto sales & rprs.
1957	W. Ellier	Auto sales & rprs.
1958	Present structure built	
1959	Rental payments noted but not tenant	
1960 - 1967	Geo. W. Brown	Comm. trucking & trk rprs.
1968 - 1977	C. & S. Transpore	Comm. trucking & trk rprs.
1978 - 1983	S. G. Motors	Auto rentals

1982 -
Note: A wooden structure to the east of the Forrest Auto Parts bldg. (original F&P structure)
T & I Auto - 8224-46
Auto Sales & Parts bldg - 8224-46
Auto Sales & Parts bldg - 8224-46

To the best of my knowledge, Brown & C & S Transport sublet a portion of this building during their tenancy for an auto rental shop.

YEAR	TENANT	USE
1933 - 1969	Till's Body Shop	Auto repairs & sales
1969	Till's & E. D. Valter	Auto rpr. als a steel hauling & rtr rpr
1969 - 1973	E. D. Valter & Castle Motors	Steel hauling & rtr rpr & auto rpr, als
1973 - 1993	Castle Motors & New Castle Motors	Auto rpr & als

Note: A one room office structure stood on this site prior to 1933. Moved to adjoining vacant lot. N. Andrews of Andco Motors used for same in 1961.

1933 - 1969 2400 sq ft 2nd floor 2nd floor 2nd floor

YEAR	TENANT	USE
1951	Present structure built.	Painting of used cars
1952	American Motors	Painting of used cars
1953	No record	Painting of used cars
1954 - 1955	B. Millstein	Painting of used cars
1956	B. Millstein & Zingrove Motors	Painting of used cars
1957	No record	Painting of used cars
1958	North Point Motors	Painting of used cars
1959	N.P. Motors, K.W. Motors & Dillon Auto	Painting of used cars & sales
1960	Dillon Auto Sales	Painting of used cars & sales
1961	Dillon Auto Sales & D. Archer	Painting of used cars & sales
1962	D. Archer	Painting of used cars & sales
1963	Dillon & N. Keusch	Painting of used cars & sales
1964	N. Keusch & Della Motors	Painting of used cars & sales
1965	G. Stoecker, Two Guys & Andco Motors	Painting of used cars & sales
1966 - 1967	Joe's Auto Sales	Used Cars Sales
1968 - 1969	Don's Motors	Used car sales & repairs
1970	C. Lewis & R. Shipley	Used car sales & repairs
1971 - 1973	Belway Used Cars	Used car sales & repairs
1974 - 1975	P. & T. Bus Co.	Used car sales & repairs
1977 - 1980	Don's Motors	Bus storage, repairs

Note: This building often rented along with 8134 at a single monthly rental. At other times, rented with vacant lot immediately on the east.

YEAR	TENANT	USE
1948 - 1949	Wm. S. Machts	Painting contractor
1950 - 1951	Dalliths Painting Co. & O'Connor	Painting contractor & lumber sales & sto
1952	American Motors	Auto sales & repairs
1953	No record	Auto sales & repairs
1954 - 1955	Bernard Millstein	Auto sales & repairs
1956	B. Millstein & Hargrove Motors	Auto sales & repairs
1957 - 1958	Hargrove Motors	Auto sales & repairs
1959	D.S.G.D. Motors & Wise Motors & Holiday Motors	Auto sales & repairs
1960 - 1961	Holiday Motors & Three Guys	Auto sales & repairs
1962	Three Guys & Dillon Auto Sales	Auto sales & repairs
1963	Dillon & R. B. Izzy & Don's Body Shop	Auto sales & repairs
1964 - 1967	Don's Body Shop	Auto sales & repairs
1967 - 1971	Don's Motors	Auto sales & repairs
1972	Don's Motors & P.T. Bus Co.	Auto sales & repairs
1973 - 1977	P.T. Bus Co.	Auto sales & repairs
1978 - 1980	Don's Motors	Bus storage & repairs
1980 - 1982	Don's Motors	Auto sales & repairs

NOTE: Wm. Machts & C. A. D'Isendall formed a painting company, Dalliths and operated same for a year or two from this location. O'Connor lumber location at 8130 burned to the ground in the fall of 1950. O'Connor used this location while 8130 was being rebuilt.

YEAR	TENANT	USE
1945	Present structure erected.	Auto sales & repairs
1946 - 1966	O'Connor Lumber Co.	Lumber sales & storage
1967	O'Connor & Stouffer Moving & Storage & Metro Moving & Storage	Lumber sales & storage & general storage & transport rtr rpr.

Don's Motors TENANT -
M. DRIVERMAN & M. DRIVER.

YEAR	TENANT	USE
1933 - 1969	Present structure erected.	Auto sales & repairs
1969	O'Connor Lumber Co	Lumber sales & storage
1970	O'Connor & Stouffer Moving & Storage & Metro Moving & Storage	Lumber sales & storage & general storage & transport rtr rpr.
1971	Metro Moving & Storage - Don's Motors	Gen. storage & repairs
1972	Metro & E. D. Valter	Gen. storage & repairs
1973	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1974	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1975	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1976	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1977	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1978	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1979	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1980	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1981	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1982	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1983	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1984	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1985	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1986	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1987	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1988	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1989	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1990	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1991	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1992	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1993	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1994	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1995	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1996	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1997	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1998	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
1999	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2000	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2001	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2002	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2003	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2004	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2005	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2006	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2007	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2008	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2009	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2010	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2011	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2012	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2013	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2014	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2015	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2016	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2017	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2018	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2019	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2020	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2021	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2022	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2023	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2024	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2025	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2026	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2027	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2028	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2029	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr
2030	Edgemere Ter. Sales & Don's Motors	Steel hauling & rtr rpr

Ms. Marge Murphy, Chief
Auto Recycler Division
6601 Ritchie Highway
Glen Burnie, Maryland 21062

Dear Ms. Murphy:

It is my understanding that the Motor Vehicle Administration, Auto Wrecking Division has certain rules and regulations that one must abide by if they wish to run an auto parts business in the state of Maryland.


Will you investigate the reason that Dolan Enterprises, Inc. T/A Baltimore Foreign & Domestic Compact Car Parts, 6114 Eastern Avenue, Baltimore, MD. 21224 can operate that business as **FORREST AUTO PARTS** (same Address) when Forrest Auto Parts name and business was dissolved on April 23, 1982. The management there answers the telephone, displays signs in front of the business, gives out receipts etc. using the name of Forrest Auto Parts and not the proper and legal name that they are licensed to do business in the state of Maryland.

Also they are violating the Auto Wrecking Zoning Law because the have wrecked vehicles (many of them) parked less than 25 feet from a public highway.

I would appreciate you looking into this matter as I feel that they should abide by the laws of the Motor Vehicle Administration. Everyone else has to.

P.S. If you would like to verify this call their business # 288-5200 and hear how they answer the telephone.

Thank you



Maryland Department of Transportation
Motor Vehicle Administration

Lowell K. Britwell
Secretary
William T. S. Bricker
Administrator

July 16, 1982

RE: Donlan Ent., T/A Baltimore Foreign Domestic Compact Car Parts

Dear Mr. Dyer:

Please find enclosed correspondence regarding the above referenced automotive dismantler and recycler.

It would be appreciated if you would take the necessary steps to investigate the alleged complaint in paragraph 3 dealing with a possible zoning violation and advise me of your findings.

The business has installed a proper sign and is no longer advertising under the name of Forrest Auto Parts.

Thank you for your cooperation in this matter.

Very truly yours,
Marjorie A. Murphy
Marjorie A. Murphy, Chief
Automotive Dismantlers & Recyclers Section

PM/dl
attachment
cc: Rebecca Cody

JUL 19 1982 AM

ZONING DEPARTMENT

By _____

My telephone number is (301) - 768-7450
6601 Ritchie Highway, N.E., Glen Burnie, Md., 21062, Telephone TTY For The Deaf 1-800-492-4575

YEAR	TENANT	USE
1959 - 1951	F. Gutermuth	Produce (roadside stand)
1952	Present structure built - Essex Salvage	Produce & salvage
1952 - 1953	F. Gutermuth & Essex Salvage	Produce & salvage
1954 - 1956	Counties Contr. & Const. & Essex Salvage	Produce & salvage
1956 - 1980	Essex Salvage	Produce & salvage

Note: This is a partitioned or divided bldg. and in the early years housed two tenants.

1980 - 1982 Essex Salvage

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: October 19, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: October 27, 1981

RE: Item No: 74, 75, 76
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

PETITION FOR SPECIAL HEARING

15th DISTRICT

ZONING: Petition for Special Hearing
LOCATION: North side of Eastern Boulevard, 65 ft. West of Diamond Point Road
DATE & TIME: Thursday, April 8, 1982 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and confirm nonconforming commercial uses, structures and sites for the Diffendall Eastern Boulevard properties as shown on the as built site plan.

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Charles A. Diffendall, et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, April 8, 1982 at 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MCKEE, DUVAL & ASSOCIATES, INC.

Engineering Surveying Real Estate Development

1117 YORK RD.

LUTHERVILLE, MARYLAND 21093

Telephone: (301) 252-5820
July 28, 1981

DESCRIPTION TO ACCOMPANY PETITION TO ESTABLISH NON-CONFORMING USES ON THAT PORTION OF THE DIFFENDALL PROPERTY THAT DIRECTLY FRONTS ON EASTERN BOULEVARD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the North Right-of-Way Line of Eastern Boulevard as shown on State Roads Commission Right-of-Way Plats No. 29180 and No. 29181, said point being situated 65 feet more or less from the intersection formed by the Westerly side of Diamond Point Road and North side of Eastern Boulevard; thence leaving the point of beginning and binding on the North side of Easter Boulevard and running the following six courses and distances: (1) By a curve to the right Westerly, 42.95 feet, said curve having a radius of 4543.66 feet and a chord bearing and distance of South 70° 13' 26" West, 42.95 feet, (2) South 70° 29' 44" West 609.62 feet, (3) South 19° 30' 16" East 7.33 feet (4) South 70° 29' 44" West, 720.00 feet, (5) North 19° 30' 16" West, 7.33 feet and (6) South 75° 10' 52" West, 122.84 feet (throughout this portion of the Right-of-Way Line all vehicular access is denied); thence leaving the aforesaid North Right-of-Way Line of Eastern Boulevard and running the following seven courses and distances: (1) North 19° 30' 16" West, 308.35 feet, (2) North 07° 09' 59" West, 40.95 feet, (3) North 05° 47' 05" East 165.90 feet, (4) North 19° 30' 16" West, 15.00 feet, (5) North 70° 29' 44" East, 34.09 feet, (6) North 05° 47' 09" East, 55.30 feet, and (7) South 70° 29' 44" West, 120.88 feet to intersect the Southeasterly side of Oriole Avenue, assumed to be 30 feet wide; thence binding on the Southeasterly side of Oriole Avenue North 11° 35' 55" East, 120.42 feet; thence by a curve to the right Northeasterly, 284.00 feet, said curve having a

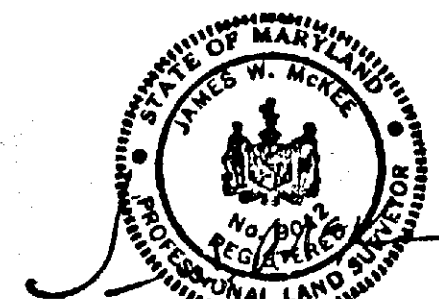
DIFFENDALL PROPERTY
July 28, 1981
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radius of 1026.83 feet and a chord bearing and distance of North 19° 31' 20" East 283.10 feet; thence North 27° 26' 45" East, 11.1 feet to the end of fourth line of Deed described in a conveyance from Florence Chopper to Charles J. Mirable, dated January 2, 1969, and being recorded among the Land Records of Baltimore County in Liber 4952, folio 529; thence leaving the said Southeasterly side of Oriole Avenue and binding reversely on the aforesaid fourth line and reversely third line of said conveyance South 78° 18' 18" East, 207.14 feet and North 25° 38' 42" East, 125.00 feet to intersect the first line of Deed described in a conveyance from Straw Hat, Inc., to Mary E. Brown, et al, dated September 3, 1970, and being recorded among the Land Records of Baltimore County in Liber 5127, folio 13; thence binding on a part of the aforesaid first line of said conveyance to Brown and the third line of Parcel 2 of Deed described in a conveyance from Joseph L. Reinhardt to Dominic J. Mirable, dated March 24, 1971, and being recorded among the Land Records of Baltimore County in Liber 5176, folio 102 South 78° 18' 18" East, 105.88 feet to the beginning of second line of Parcel 1 of the aforesaid conveyance to Dominic J. Mirable; thence binding on the aforesaid second line North 70° 29' 44" East, 150.44 feet to the end of fifth line of Deed described in a conveyance from Anna Krebik to Charles A. Diffendall, dated October 27, 1954, and being recorded among the Land Records of Baltimore County in Liber 2500, folio 517; thence binding on the aforesaid fifth line of said conveyance and running reversely North 19° 30' 16" West, 113.36 feet and on a part of the fourth line of said conveyance to Diffendall, North 70° 29' 44" East, 40.11 feet to intersect the south side of Diamond Point Road relocated as shown on State Right-of-Way Plat No. 41742; thence binding on the Southerly and on Westerly side of Diamond Point Road the following thirteen courses and distances: (1) by a curve to the right Easterly, 22.16 feet, said curve having a radius of 924.93 feet and a chord bearing and distance of South 03° 52' 44" East, 22.16 feet, (2) South 83° 11' 33" East, 214.32 feet, (3) South 77° 45' 20" East 52.77 feet, (4) by a curve to the left Easterly, 136.86 feet, said curve having a radius of 989.93 feet and a chord

DIFFENDALL PROPERTY
July 28, 1981
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bearing and distance of South 27° 08' 11" East, 136.75 feet (5) North 31° 51' 50" East, 51.94 feet, (6) by a curve to the left Easterly, 97.50 feet, said curve having a radius of 984.93 feet and a chord bearing and distance of North 83° 03' 04" East, 97.44 feet, (7) North 80° 12' 57" East, 113.33 feet, (8) by a curve to the right Southeasterly, 172.94 feet, said curve having a radius of 270.00 feet, and a chord bearing and distance of South 81° 26' 03" East, 170.00 feet, (9) South 51° 55' 31" East, 44.81 feet, (10) by a curve to the right Southeasterly, 132.50 feet, said curve having a radius of 265.00 feet and a chord bearing and distance of South 39° 12' 39" East, 131.12 feet, (11) South 26° 29' 48" East, 44.81 feet, (12) by a curve to the right Southerly, 62.49 feet, said curve having a radius of 270.00 feet and a chord bearing and distance of South 08° 42' 27" East, 62.35 feet, and (13) South 02° 04' 38" East, 255.14 feet to intersect the third line of a Deed described in a conveyance from George Gutterberger to Raymond W. Kirk, dated May 25, 1950, and being recorded among the Land Records of Baltimore County in Liber 1943, folio 127; thence leaving the hereinbefore-mentioned Westerly side of Diamond Point Road and binding on a part of the aforesaid third line South 70° 29' 36" West, 133.21 feet and all of the fourth line of said conveyance to Kirk South 19° 30' 16" East, 154.71 feet to the place of beginning.

Containing 31.041 acres of land, more or less.



Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chartered
204 W. Pennsylvania Avenue
Towson, Maryland 21204

March 9, 1982

NOTICE OF HEARING

RE: Petition For Special Hearing
N/s of Eastern Boulevard, 65' W of Diamond Point Rd.
Charles A. Diffendall, et ux - Petitioners
Case #82-218-SPH

TIME: 9:45 A.M.

DATE: Thursday, April 8, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. BENNER
KENNETH H. MASTERS
STEVEN J. NOLAN
WILLIAM F. ENGLEHART, JR.
JEAN M. SADOWSKY
G. SCOTT BARNHART

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE
823-7600
MAILING ADDRESS
P.O. BOX 5886
TOWSON, MARYLAND 21204

February 25, 1982

The Honorable William E. Hammond, Esquire
Zoning Commissioner
and
The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Commissioner Hammond and Commissioner Jung:

RE: The Diffendall Properties, Eastern Blvd.
8114-8145 Eastern Blvd., Directly Opposite
The Back River Treatment Plant

Confirming a recent conference with Mr. Dyer, and a brief conversation with Commissioner Hammond, I would like to point out certain factors regarding the Diffendall properties.

First of all, as we will all recall, these properties have been the subject of a number of reclassification efforts, both on the zoning maps and by the petition method, and they are presently zoned M.H., manufacturing heavy.

At the time of a zoning violation hearing in 1981, we were prepared to prove, as we are today, that these primarily automobile sales and service related uses along Eastern Blvd. are non-conforming, and they have been in place in many cases since before the second World War.

At the time of the zoning violation hearing, Commissioner Hammond indicated that he would prefer us to file for a special hearing and advertise and post the property rather than try the non-conforming use in the context of an unadvertised and unposted violation hearing. This of course we are willing to do, but we wish to make it very clear that we are not petitioning the county for relief, but rather proving to Baltimore County that we are non-conforming and are entitled to continue as non-conforming uses.

At our request Mr. James McKee, our fine engineer, prepared an as-built site plan for the Diffendall properties, which is dated July 29, 1981. Pursuant to a recent conference

The Honorable William E. Hammond, Esquire
The Honorable Jean M. H. Jung
Towson, Maryland 21204
February 25, 1982
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with Mr. Dyer, we are asking Mr. McKee and we are asking everyone as an example, to carefully check the site plan. Mr. Dyer wishes the entire as-built site plan to be discarded. Both buildings, fences, setbacks, etc., as shown on the example dated February 24, 1982.

As a review of the Diffendall property plat dated July 29, 1981, will reveal, a number of the setbacks, 8126, 8130, 8134, 8138, 8142, 8146, 8150, 8154, 8158, 8162, 8166, 8170, 8174, 8178, 8182, 8186, 8190, 8194, 8198, 8202, 8206, 8210, 8214, 8218, 8222, 8226, 8230, 8234, 8238, 8242, 8246, 8250, 8254, 8258, 8262, 8266, 8270, 8274, 8278, 8282, 8286, 8290, 8294, 8298, 8302, 8306, 8310, 8314, 8318, 8322, 8326, 8330, 8334, 8338, 8342, 8346, 8350, 8354, 8358, 8362, 8366, 8370, 8374, 8378, 8382, 8386, 8390, 8394, 8398, 8402, 8406, 8410, 8414, 8418, 8422, 8426, 8430, 8434, 8438, 8442, 8446, 8450, 8454, 8458, 8462, 8466, 8470, 8474, 8478, 8482, 8486, 8490, 8494, 8498, 8502, 8506, 8510, 8514, 8518, 8522, 8526, 8530, 8534, 8538, 8542, 8546, 8550, 8554, 8558, 8562, 8566, 8570, 8574, 8578, 8582, 8586, 8590, 8594, 8598, 8602, 8606, 8610, 8614, 8618, 8622, 8626, 8630, 8634, 8638, 8642, 8646, 8650, 8654, 8658, 8662, 8666, 8670, 8674, 8678, 8682, 8686, 8690, 8694, 8698, 8702, 8706, 8710, 8714, 8718, 8722, 8726, 8730, 8734, 8738, 8742, 8746, 8750, 8754, 8758, 8762, 8766, 8770, 8774, 8778, 8782, 8786, 8790, 8794, 8798, 8802, 8806, 8810, 8814, 8818, 8822, 8826, 8830, 8834, 8838, 8842, 8846, 8850, 8854, 8858, 8862, 8866, 8870, 8874, 8878, 8882, 8886, 8890, 8894, 8898, 8902, 8906, 8910, 8914, 8918, 8922, 8926, 8930, 8934, 8938, 8942, 8946, 8950, 8954, 8958, 8962, 8966, 8970, 8974, 8978, 8982, 8986, 8990, 8994, 8998, 9002, 9006, 9010, 9014, 9018, 9022, 9026, 9030, 9034, 9038, 9042, 9046, 9050, 9054, 9058, 9062, 9066, 9070, 9074, 9078, 9082, 9086, 9090, 9094, 9098, 9102, 9106, 9110, 9114, 9118, 9122, 9126, 9130, 9134, 9138, 9142, 9146, 9150, 9154, 9158, 9162, 9166, 9170, 9174, 9178, 9182, 9186, 9190, 9194, 9198, 9202, 9206, 9210, 9214, 9218, 9222, 9226, 9230, 9234, 9238, 9242, 9246, 9250, 9254, 9258, 9262, 9266, 9270, 9274, 9278, 9282, 9286, 9290, 9294, 9298, 9302, 9306, 9310, 9314, 9318, 9322, 9326, 9330, 9334, 9338, 9342, 9346, 9350, 9354, 9358, 9362, 9366, 9370, 9374, 9378, 9382, 9386, 9390, 9394, 9398, 9402, 9406, 9410, 9414, 9418, 9422, 9426, 9430, 9434, 9438, 9442, 9446, 9450, 9454, 9458, 9462, 9466, 9470, 9474, 9478, 9482, 9486, 9490, 9494, 9498, 9502, 9506, 9510, 9514, 9518, 9522, 9526, 9530, 9534, 9538, 9542, 9546, 9550, 9554, 9558, 9562, 9566, 9570, 9574, 9578, 9582, 9586, 9590, 9594, 9598, 9602, 9606, 9610, 9614, 9618, 9622, 9626, 9630, 9634, 9638, 9642, 9646, 9650, 9654, 9658, 9662, 9666, 9670, 9674, 9678, 9682, 9686, 9690, 9694, 9698, 9702, 9706, 9710, 9714, 9718, 9722, 9726, 9730, 9734, 9738, 9742, 9746, 9750, 9754, 9758, 9762, 9766, 9770, 9774, 9778, 9782, 9786, 9790, 9794, 9798, 9802, 9806, 9810, 9814, 9818, 9822, 9826, 9830, 9834, 9838, 9842, 9846, 9850, 9854, 9858, 9862, 9866, 9870, 9874, 9878, 9882, 9886, 9890, 9894, 9898, 9902, 9906, 9910, 9914, 9918, 9922, 9926, 9930, 9934, 9938, 9942, 9946, 9950, 9954, 9958, 9962, 9966, 9970, 9974, 9978, 9982, 9986, 9990, 9994, 9998, 10002, 10006, 10010, 10014, 10018, 10022, 10026, 10030, 10034, 10038, 10042, 10046, 10050, 10054, 10058, 10062, 10066, 10070, 10074, 10078, 10082, 10086, 10090, 10094, 10098, 10102, 10106, 10110, 10114, 10118, 10122, 10126, 10130, 10134, 10138, 10142, 10146, 10150, 10154, 10158, 10162, 10166, 10170, 10174, 10178, 10182, 10186, 10190, 10194, 10198, 10202, 10206, 10210, 10214, 10218, 10222, 10226, 10230, 10234, 10238, 10242, 10246, 10250, 10254, 10258, 10262, 10266, 10270, 10274, 10278, 10282, 10286, 10290, 10294, 10298, 10302, 10306, 10310, 10314, 10318, 10322, 10326, 10330, 10334, 10338, 10342, 10346, 10350, 10354, 10358, 10362, 10366, 10370, 10374, 10378, 10382, 10386, 10390, 10394, 10398, 10402, 10406, 10410, 10414, 10418, 10422, 10426, 10430, 10434, 10438, 10442, 10446, 10450, 10454, 10458, 10462, 10466, 10470, 10474, 10478, 10482, 10486, 10490, 10494, 10498, 10502, 10506, 10510, 10514, 10518, 10522, 10526, 10530, 10534, 10538, 10542, 10546, 10550, 10554, 10558, 10562, 10566, 10570, 10574, 10578, 10582, 10586, 10590, 10594, 10598, 10602, 10606, 10610, 10614, 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11190, 11194, 11198, 11202, 11206, 11210, 11214, 11218, 11222, 11226, 11230, 11234, 11238, 11242, 11246, 11250, 11254, 11258, 11262, 11266, 11270, 11274, 11278, 11282, 11286, 11290, 11294, 11298, 11302, 11306, 11310, 11314, 11318, 11322, 11326, 11330, 11334, 11338, 11342, 11346, 11350, 11354, 11358, 11362, 11366, 11370, 11374, 11378, 11382, 11386, 11390, 11394, 11398, 11402, 11406, 11410, 11414, 11418, 11422, 11426, 11430, 11434, 11438, 11442, 11446, 11450, 11454, 11458, 11462, 11466, 11470, 11474, 11478, 11482, 11486, 11490, 11494, 11498, 11502, 11506, 11510, 11514, 11518, 11522, 11526, 11530, 11534, 11538, 11542, 11546, 11550, 11554, 11558, 11562, 11566, 11570, 11574, 11578, 11582, 11586, 11590, 11594, 11598, 11602, 11606, 11610, 11614, 11618, 11622, 11626, 11630, 11634, 11638, 11642, 11646, 11650, 11654, 11658, 11662, 11666, 11670, 11674, 11678, 11682, 11686, 11690, 11694, 11698, 11702, 11706, 11710, 11714, 11718, 11722, 11726, 11730, 11734, 11738, 11742, 11746, 11750, 11754, 11758, 11762, 11766, 11770, 11774, 11778, 11782, 11786, 11790, 11794, 11798, 11802, 11806, 11810, 11814, 11818, 11822, 11826, 11830, 11834, 11838, 11842, 11846, 11850, 11854, 11858, 11862, 11866, 11870, 11874, 11878, 11882, 11886, 11890, 11894, 11898, 11902, 11906, 11910, 11914, 11918, 11922, 11926, 11930, 11934, 11938, 11942, 11946, 11950, 11954, 11958, 11962, 11966, 11970, 11974, 11978, 11982, 11986, 11990, 11994, 11998, 12002, 12006, 12010, 12014, 12018, 12022, 12026, 12030, 12034, 12038, 12042, 12046, 12050, 12054, 12058, 12062, 12066, 12070, 12074, 12078, 12082, 12086, 12090, 12094, 12098, 12102, 12106, 12110, 12114, 12118, 12122, 12126, 12130, 12134, 12138, 12142, 12146, 12150, 12154, 12158, 12162, 12166, 12170, 12174, 12178, 12182, 12186, 12190, 12194, 12198, 12202, 12206, 12210,

The Honorable William E. Hammond
The Honorable Jean M. H. Jung
Towson, Maryland 21204
February 25, 1982
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the case is scheduled at 9:30 a.m. that we will take at least the entire morning, and we would frankly prefer it to be scheduled as either the only case of the day if set in the morning, or the only case in the afternoon if set immediately after lunch at 1:00 p.m. or 1:30 p.m.

Finally, we are again asking Mr. McKee and his staff to prepare a check print, pursuant to Mr. Commodari's direction, and we will review the check print with Mr. Commodari and Mr. Dyer as soon as it is ready.

Our co-counsel Mr. Alvin Braverman has indicated through his secretary that he will be available on Thursday, April 8, which will avoid holy Thursday on April 1, as well as the planning board on April 15. We know that the zoning office is anxious to have this matter heard, and I would like to have it heard prior to leaving on vacation on April 22. Thanking you and your staff for your consideration of this letter, and awaiting word from you with regard to these matters, I am -

Respectfully,

Newton

Newton A. Williams

NAW:pr

cc: Mr. James E. Dyer
Zoning Supervisor
214 Cinder Road
Timonium, MD 21093

Mr. Nicholas Commodari
Zoning Advisory Committee Chairman
3607 Bonview Avenue
Baltimore, MD 21213

Alvin Braverman
8633 Loch Raven Blvd.
Towson, MD 21204

Mr. and Mrs. Charles A. Diffendall
Macton Road, Rt. 2, Box 41
Street, Maryland 21154

Mr. James W. McKee
McKee, Duval and Associates, Inc.
1717 York Road
Lutherville, MD 21093

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

1717 YORK RD. LUTHERVILLE, MARYLAND 21093

Telephone: (301) 252-5820

July 25, 1983

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
Baltimore County Office Building
Towson, MD 21204

Re: DIFFENDALL PROPERTY
8116-8140 Eastern Blvd.
Baltimore County Job No. 82-218-SPH

Dear Mrs. Jung:

Please be advised that on May 5, 1983, I inspected the above referenced site for fence locations, as indicated in item #6 of your order. Enclosed herewith are 4 copies of the above referenced site plan for your approval.

I trust the enclosed plat is in compliance with your order; however, should you have any questions or require additional information, do not hesitate to contact me.

Very truly yours,

MCKEE & ASSOCIATES, INC.

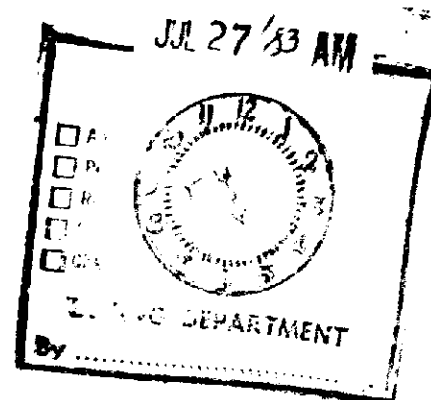
L. McK

James W. McKee, L.S., President

JWM:dlr

Enclosures

cc: Mr. Newton A. Williams
Mr. Charles A. Diffendall



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Williams:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMH3/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

October 12, 1981

The Honorable William T. Hackett
Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

The Honorable William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: The Diffendall Property, Recent
Filing of a Special Hearing Case to
Confirm Non-Conforming Uses at 8114 - 8140
Eastern Boulevard, Violation Case #78-277-V, - On No. 74
Possible Dismissal of Two Pending Appeals
to the County Board of Appeals

Dear Chairman Hackett and Commissioner Hammond:

We are pleased to inform both the Board and the Zoning Commissioner and his staff that on October 9, 1981, a special hearing case was filed with the Zoning Commissioner's Office regarding 8116 - 8140 Eastern Boulevard.

The filing of this case delayed for quite some time due to problems in obtaining an as-built site plan to accompany the Petition, which has been filed with it.

As we all will recall from our voluminous files, this property is a very complicated one from the point view of its zoning and the various uses involved, but we believe the following is the situation:

1. The County Board of Appeals has found in case #74-159-V that the great majority of the property behind the various uses on Eastern Boulevard, including we believe the Forrest Auto Parts operation at 8114 enjoys a non-conforming use for autowrecking and junk yard operations. This finding of the Board was affirmed in Circuit Court for Baltimore County Case #5859, Miscellaneous Law Docket 10, Folio 180, by the Honorable Walter R. Haile who on January 28, 1976 filed a written Opinion and Order affirming the County Board of Appeals.

2. The present case, Case 78-277-V, has been the subject of several Orders, including the first Order by the Late Honorable George J. Martinak, Deputy Zoning Commissioner, who issued an Opinion and Order on October 11, 1978 which was subsequently appealed to the Board, but which has not been heard. Commissioner Martinak's Order of October 11, 1978, addressed two points, namely, keeping all vehicles,

The Honorable William T. Hackett
Chairman, County Board of Appeals
The Honorable William E. Hammond
Zoning Commissioner
Towson, Maryland 21204
October 12, 1981
Page Two

junk, debris and any general merchandise offered for sale out of areas within twenty-five (25) feet of public roads including Eastern Boulevard, Diamond Point Road and Oriole Avenue. We believe that this part of the Order has been complied with.

In the same Order, Deputy Commissioner Martinak ordered that site plans must be filed for 8114, 8116, 8122, 8130, 8134, 8136 and 8138-40 Eastern Boulevard. It is also our belief that these site plans have been filed with the Zoning Commissioner's staff, and we would ask Mr. Byrnes and his staff confirm this once again. Our office entered the case after this hearing, and an appeal was noted on behalf of the Diffendalls' and various tenants by Mr. Angelos' office, and we subsequently entered our appearance in the matter.

3. The latest Opinion and Order in this matter is that of Commissioner Hammond dated December 4, 1980, which stated that all frontage tenants except Forrest Auto Parts located at 8114 and in the rear of the frontage uses would be required to file for a special hearing to determine the nature and extent of each and every use claimed by the Defendants or their tenants. As previously noted, the filing of this case was delayed by difficulties in obtaining the plat, primarily, but these difficulties have now been overcome and the special hearing case has now been filed. According to Commissioner Hammond's Opinion, all site plans required had been filed but not all approvals had been given as of October of 1980.

4. Recently the Board of Appeals has asked us to let the Board and everyone know what is the status of these matters. It is our belief that the appeal in proper person by the Diffendalls can now be dismissed with the filing of the special hearing case, and by a carbon copy of this letter we are asking the Diffendalls' permission to do so on their behalf. The appeal in proper person was dated December 12, 1980 and referred to the Opinion and Order of December 4, 1980 by Zoning Commissioner Hammond in this case #78-277-V.

As for the appeal by Mr. Angelos' office of the Opinion and Order of October 11, 1978, it is our belief that the Order has been complied with in that all materials have been moved back outside of twenty-five (25) feet of public roads, and that all site plans have been filed for 8114-8140 Eastern Boulevard. However, for many of these uses, these site plans may not be capable of being approved until it is determined if they are, or are not non-conforming uses.

Therefore, we would ask the Board to hold this matter in abeyance pending the determination of the status of the various uses and whether they are or are not non-conforming in nature.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 1, 1982

Newton Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
N/S Eastern Blvd., 65' W of
Diamond Pt. Rd. - 15th Election
District
Charles A. Diffendall, et ux -
Petitioners
NO. 82-218-SPH (Item No. 76)

Dear Sir:

This is to advise you that \$177.58 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to The Zoning Office, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
W. E. HAMMOND
Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 106847

D. DATE April 8, 1982 ACCOUNT 01-662

AMOUNT \$177.58

RECEIVED FROM: Charles A. Diffendall
FOR: Advertising and Posting Case No. 82-218-SPH

8306279 9

177.58

VALIDATION OR SIGNATURE OF CASHIER

The Honorable William T. Hackett
Chairman, County Board of Appeals
The Honorable William E. Hammond
Zoning Commissioner
Towson, Maryland 21204
October 12, 1981
Page Three

If both the Board and the Zoning Commissioner wish, however, we can, we believe, dismiss the appeal in proper person dated December 12, 1980, but we cannot dismiss the earlier appeal if it would be interpreted as conceding that these properties must be improved to present County standards as if they were new uses on the various site plans involved.

We will go forward with the special hearing case with the Zoning Commissioner and his staff, and we will keep everyone involved informed as to its progress. Of course, any tenant that wishes to do so can participate in these matters, and in fact, we intend to send all of them notification of the filing of this special hearing case should they wish to participate. We will continue to keep the Board, the Zoning Commissioner and all Baltimore County staff members informed, and of course, we will cooperate with all parties involved in anyway that we can.

Respectfully submitted,

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

By: *Newton A. Williams*
Newton A. Williams

NAW/mgp

cc: Mr. and Mrs. Charles Diffendall
1301 Macton Road
Street, Maryland 21154

Alvin Braverman, Esquire
8633 Loch Raven Boulevard
Baltimore, Maryland 21204

Mr. James W. Anderson
8126 Eastern Avenue
Baltimore, Maryland 21224

Dept. of Natural Resources
Water Resources Administration
580 Taylor Avenue
Annapolis, Maryland 21401

James B. Byrnes, III
Supervisor, Div. of Zoning
Enforcement
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

Thomas J. Bollinger, Esquire
Assistant County Solicitor
Office of Law

Mr. James Thompson
Zoning Inspector
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

Reviewed by: *NAW*

Revised Plans:
Change in outline or description Yes
No

Previous case: *1*

Map #

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 3/21/82
Posted for: *Charles A. Diffendall et ux*
Petitioner: *Charles A. Diffendall et ux*
Location of property: *N/S of Eastern Blvd. - 6.5' W of Diamond Pt. Rd.*
Location of Signs: *Facing East on Eastern Blvd. (8116 and 8138)*
Remarks: *Plan 2 shown*
Posted by: *John J. Adams* Date of return: 3/26/82
Signature



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 5, 2000

Ms. Marsie Venske
The Planning and Zoning
Resource Corporation
25 S. Oklahoma Avenue, Ste. 300
Oklahoma City, OK 73104

Dear Ms. Venske:

RE: 8250 Eastern Blvd., Diamond Point Plaza, 15th Election District

Your letter dated April 19, 2000, has been referred to me for reply. No site plan information was included. Based upon the information provided therein and our research of the zoning records the following has been determined.

The above referenced property is currently zoned BR-CCC (Business Roadside with a Commercial, Community Core district overlay) as per Baltimore County zoning map NE-1F. Enclosed with this letter is a copy of a portion of said map. District. C.C.C. Districts may be applied only to certain existing or proposed centers of shopping and auxiliary commercial activity which are on land zoned B.L., B.M. and/or B.R., any one of which centers must be intended to serve between 30,000 and 50,000 persons; provide shopping opportunities for convenience goods, appliances and, optionally, furniture; and include one or more junior department stores or variety stores. A planned shopping center having such characteristics may lie wholly or partially within a C.C.C. District.

The search of the zoning records shows multiple zoning cases associated with this property. These cases include but are not limited to 91-318-XA, 82-218-SPH, 78-46R, 75-59A. I have included copies a portion of the files for the two most recent cases on file. This is not to be considered the extent of zoning history for this property. It would be advisable to engage an attorney familiar with Baltimore County zoning who can research and report on zoning histories associated with Baltimore County properties.

Please be advised that provided the property was developed and occupied in accordance with Baltimore County approved permit plans, the present use of the site does not violate applicable zoning ordinances. Additionally, the property conforms to all subdivision and building setback requirements, the floor area and the off-street parking conform to applicable B.C.Z.R.

Ms. Margie Venske

May 4, 2000
Page 2

Baltimore County Code Enforcement has advised that there are no current of outstanding zoning violations on the subject property at this time. You may contact the Office of Permits and Licenses for information on site plan availability at 410-887-3391.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Lloyd T. Moxley
Planner II
Zoning Review

LTM:kew

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and confirm nonconforming commercial uses, structures and sites for the Diffendall Eastern Boulevard properties as shown on the as built site plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Attorneys for Petitioners:

KNOWLES & ASSOCIATES

J. EARLE PLUMHOFF

(Type or Print Name)

J. Earle Plumhoff

Signature

Legal Owner(s):

CHARLES A. DIFFENDALL

(Type or Print Name)

Charles A. Diffendall

Signature

CHARLOTTE DIFFENDALL

(Type or Print Name)

Charlotte Diffendall

Signature

NOLAN PLUMHOFF & WILLIAMS, CHARTERED 1301 Macton Road 879-4925

(Type or Print Name) Address Phone No.

Street, Maryland 21154

City and State

Name, address and phone number of legal owner, contractor purchaser or representative to be contacted

204 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

Name

Newton A. Williams

Address

204 W. Pennsylvania Avenue

Address

Towson, Md. 823-7800

Phone No.

BY: [Signature]

Zoning Commissioner of Baltimore County.

ORDERED BY The Zoning Commissioner of Baltimore County, this 25th day of February, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of April, 1982, at 9:45 o'clock A.M.

Z.C.O.-No. 1

(over)

1. The area to the front (south) of the building situated on 8116 Eastern Boulevard shall continue to be used solely for the parking of licensed, operable vehicles.
2. The area to the front (south) of the improvements situated on 8122, 8124, 8126, 8130, and 8136 Eastern Boulevard shall continue to be used solely for the display of vehicles available for sale and for the parking of licensed, operable vehicles.
3. All display areas and parking areas shall be indicated on the site plan and all parking spaces shall be designated on the site with painted lines.
4. The trailer located at 8124/8126 Eastern Boulevard shall comply with Sections 415.2.b.2 and 415.4.c of the zoning regulations and the stockade fence shall be maintained.
5. Wrecking businesses, junk yards, and storage or parking of any vehicles shall be set back 25 feet from Diamond Point Road, Oriole Avenue, and Eastern Boulevard.
6. Only fences presently existing shall be shown on the site plan and the land surveyor shall submit a letter certifying same.
7. Abandonment or discontinuance for a period of one year or more shall terminate the nonconforming use on that portion of the property.
8. Damage by fire or other casualty of any improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming use on that portion of the property, i.e., the space occupied by the improvement and any parking and/or display between the improvement and Eastern Boulevard.
9. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Jan M. H. Jung
Deputy Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

March 25, 1982

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #76, Zoning Advisory Committee Meeting, October 27, 1981, are as follows:

Property Owner: Charles A. and Charlotte Diffendall
Location: N/S Eastern Blvd 65' W. of Diamond Point Road
Acres: 13.041
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

Since the petition is to approve a non-conforming use, there are no site planning factors requiring comment at this time.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner
Norman E. Gerber, Director
Office of Planning and Zoning

Date: March 23, 1982

FROM: Zoning Petition No. 82-218-SPH

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:mrc

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 25th day of February, 1982.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Charles A. Diffendall, et ux

Petitioner's Attorney Newton A. Williams, Esq.

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

McKee, DuVal & Associates, Inc.
1717 York Road
Lutherville, Md. 21093

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 31, 1982

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Newton A. Williams, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 76
Petitioner - Charles A. Diffendall, et ux
Special Hearing Petition

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the north side of Eastern Boulevard just west of Diamond Point Road in the 15th Election District, the subject property is presently zoned M.H. and is improved with a number of commercial uses along Eastern Boulevard. These uses include, but are not limited to, service garages and used car sales. At the time of field inspection junk vehicles were visible from the road and the display for Essex Salvage and other used car sales were in close proximity to the right-of-way of Eastern Boulevard. To the rear of these uses is an existing junk yard, which has been determined to be a nonconforming use.

Because the status of the uses along Eastern Boulevard has been questioned in a number of violation hearings, this special hearing is requested in order to verify that they should be considered as non-conforming uses. As indicated in previous conversations, I questioned whether parking for each use should be indicated on the site plans. However, it was your feeling that this matter would be adequately addressed at the hearing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari/PC
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

ENCLOSURES
cc: McKee, DuVal & Associates, Inc. 1717 York Road, Lutherville, Md. 21093



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARVEY I. PISTEL, P.E.
DIRECTOR

November 24, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item #76 (1981-1982)
Property Owner: Charles A. & Charlotte Diffendall
N/S Eastern Blvd. 65' W. of Diamond Point Rd.
Acres: 31.041 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property is a portion (The Eastern Boulevard frontage) of the overall larger (31 acres) site for which comments were supplied in conjunction with the Zoning Advisory Committee review for Item 1, Zoning Cycle VII (April-October 1974), and Item 26, Zoning Cycle I (April-October 1977).

Those comments are referred to for your consideration. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 76 (1981-1982).

Very truly yours,

Robert A. Norton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWr:ss

cc: J. Wimbley

1-SW Key Sheet
1 & 2 NE 22 & 23 Pos. Sheets
NE 1 P Topo
96 Tax Map
Attachments

Road
DATE & TIME: Thursday, April 8, 1982, at 9:45 A.M.

PUBLIC HEARING:
Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the zoning Act, and Regulations of Baltimore County, is holding a public hearing on a Petition for Special Zoning, to determine whether or not the Zoning Commission should approve and confirm nonconforming commercial uses, structures and sites for the Diffendall Eastern Boulevard properties as shown on the as built site plan.

All that parcel of land in the Fifteenth District of Baltimore County, beginning for the same at a point on the North Right-of-Way Line of Eastern Boulevard as shown on State Roads Commission Right-of-Way Plat No. 29180 and No. 29181, said point being, situated 66 feet more or less from the intersection of second line North 70°29'44" East, 150.44 feet to the end of fifth line of Eastern Boulevard; thence leaving the point of beginning and binding on the North side of Eastern Boulevard and running the following six courses and distances: (1) By a curve to the right, Westerly, 42.26 feet, said curve having a radius of 454.56 feet and a chord bearing and distance of South 70°13'28" West, 42.95 feet; (2) South 70°29'44" West, 69.52 feet; (3) South 19°20'40" East, 7.33 feet; (4) South 70°29'44" West, 720.00 feet; (5) North 19°20'16" West, 7.33 feet; (6) South 70°10'12" West, 122.84 feet (throughout this portion of the Right-of-Way Line all vehicular access is denied); thence leaving the aforesaid North Right-of-Way Line of Eastern Boulevard and running the following seven courses and distances: (1) North 19°30'16" West, 308.35 feet; (2) North 05°47'05" East, 165.90 feet; (3) North 19°30'16" East, 34.09 feet; (4) North 05°47'05" East, 55.50 feet; (5) North 70°29'44" West, 120.88 feet to intersect the Southeastern side of Oriole Avenue, assumed to be 30 feet wide; thence binding on the Southeastern side of Oriole Avenue North 11°36'55" East, 120.42 feet; thence by a curve to the right, Northerly, 284.00 feet, said curve having a radius of 1026.83 feet and a chord bearing and distance of North 19°31'20" East, 283.10 feet; thence North 27°26'45" East, 68.12 feet to the end of fourth line of Deed described in a conveyance from Florence Chupier to Charles J. Mirabile, dated January 3, 1969, and being recorded among the Land Records of Baltimore County in Liber 5176, folio 122; thence leaving the said Southeastern side of Oriole Avenue and binding reversely on the aforesaid fourth line and reversely third line of said conveyance to Brown and Deed described in a conveyance from George Guttenberger to Raymond W. Kirk, dated May 29, 1960, and being recorded among the Land Records of Baltimore County in Liber 5176, folio 127; thence leaving the herein mentioned Westerly side of Diamond Point Road, 133.21 feet, and all of the fourth line of said conveyance, a Kirk South 19°30'16" East, 164.71 feet to the place of beginning. Containing 31.91 acres of land, more or less.

Being the property of Charles A. Diffendall, et al., as shown on plat filed with the Zoning Department.
Hearing Date: Thursday, April 8, 1982 at 9:45 A.M. Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order of
William E. Hammond
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., *March 18, 1982*

Petition
This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of *one* successive weeks before the *18th* day of *March*, 1982
Sub. D. Wolff Publisher.

PETITION FOR SPECIAL HEARING
15TH DISTRICT

ZONING: Petition for Special Hearing
LOCATION: North side of Eastern Boulevard, 66 ft. West of Diamond Point Road
DATE & TIME: Thursday, April 8, 1982 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, is holding a public hearing on a Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission should approve and confirm nonconforming commercial uses, structures and sites for the Diffendall Eastern Boulevard properties as shown on the as built site plan.

All that parcel of land in the Fifteenth District of Baltimore County, beginning for the same at a point on the North Right-of-Way Line of Eastern Boulevard as shown on State Roads Commission Right-of-Way Plat No. 29180 and No. 29181, said point being situated 66 feet more or less from the intersection of second line North 70°29'44" East, 150.44 feet to the end of fifth line of Eastern Boulevard; thence leaving the point of beginning and binding on the North side of Eastern Boulevard and running the following seven courses and distances: (1) By a curve to the right, Westerly, 42.26 feet, said curve having a radius of 454.56 feet and a chord bearing and distance of South 70°13'28" West, 42.95 feet; (2) South 70°29'44" West, 69.52 feet; (3) South 19°20'40" East, 7.33 feet; (4) South 70°29'44" West, 720.00 feet; (5) North 19°20'16" West, 7.33 feet; (6) South 70°10'12" West, 122.84 feet (throughout this portion of the Right-of-Way Line all vehicular access is denied); thence leaving the aforesaid North Right-of-Way Line of Eastern Boulevard and running the following seven courses and distances: (1) North 19°30'16" West, 308.35 feet; (2) North 05°47'05" East, 165.90 feet; (3) North 19°30'16" East, 34.09 feet; (4) North 05°47'05" East, 55.50 feet; (5) North 70°29'44" West, 120.88 feet to intersect the Southeastern side of Oriole Avenue, assumed to be 30 feet wide; thence binding on the Southeastern side of Oriole Avenue North 11°36'55" East, 120.42 feet; thence by a curve to the right, Northerly, 284.00 feet, said curve having a radius of 1026.83 feet and a chord bearing and distance of North 19°31'20" East, 283.10 feet; thence North 27°26'45" East, 68.12 feet to the end of fourth line of Deed described in a conveyance from Florence Chupier to Charles J. Mirabile, dated January 3, 1969, and being recorded among the Land Records of Baltimore County in Liber 5176, folio 122; thence leaving the said Southeastern side of Oriole Avenue and binding reversely on the aforesaid fourth line and reversely third line of said conveyance to Brown and Deed described in a conveyance from George Guttenberger to Raymond W. Kirk, dated May 29, 1960, and being recorded among the Land Records of Baltimore County in Liber 5176, folio 127; thence leaving the herein mentioned Westerly side of Diamond Point Road, 133.21 feet, and all of the fourth line of said conveyance, a Kirk South 19°30'16" East, 164.71 feet to the place of beginning. Containing 31.91 acres of land, more or less.

Being the property of Charles A. Diffendall, et al., as shown on plat filed with the Zoning Department.
Hearing Date: Thursday, April 8, 1982 at 9:45 A.M. Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order of
William E. Hammond
Zoning Commissioner
of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., *March 18*, 1982.
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., *once in each of one time* successive weeks before the *18th* day of *April*, 1982, the *last* publication appearing on the *18th* day of *March*, 1982.
THE JEFFERSONIAN
William E. Hammond
Manager.

Cost of Advertisement, \$_____

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this *19* day of *Oct.*, 19*81*.
Filing Fee \$ *25* Received: ☒ Check
#76 ☐ Cash
☐ Other

William E. Hammond
William E. Hammond, Zoning Commissioner
Petitioner *Diffendall* Submitted by *W. Williams*
Petitioner's Attorney *Newton A. Williams* Reviewed by *W. Williams*

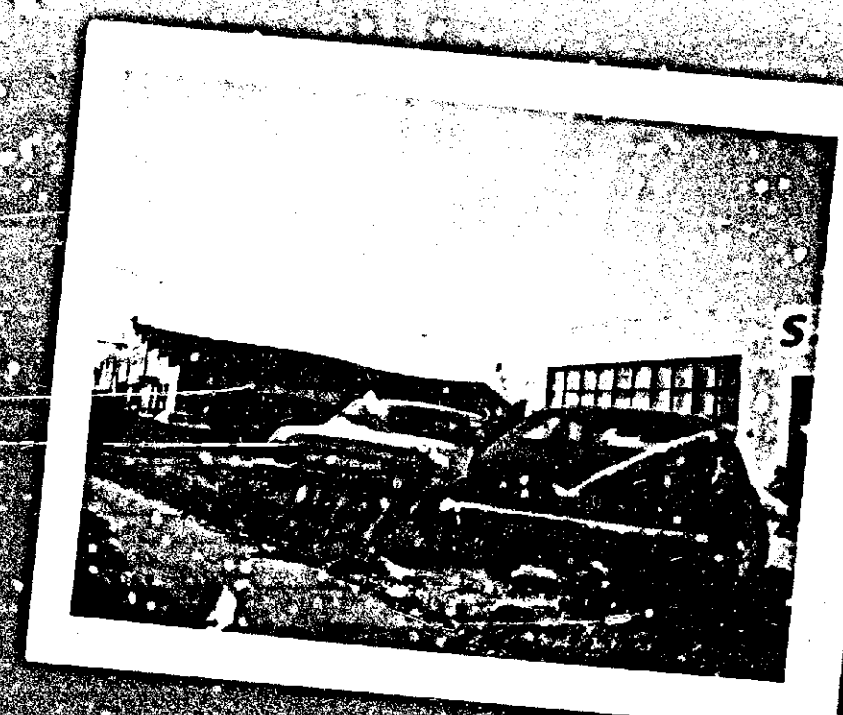
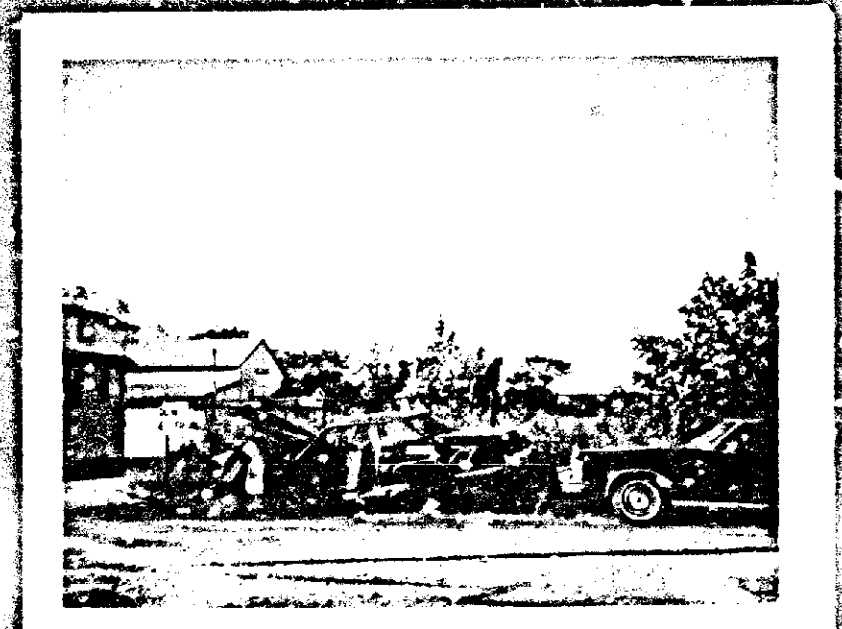
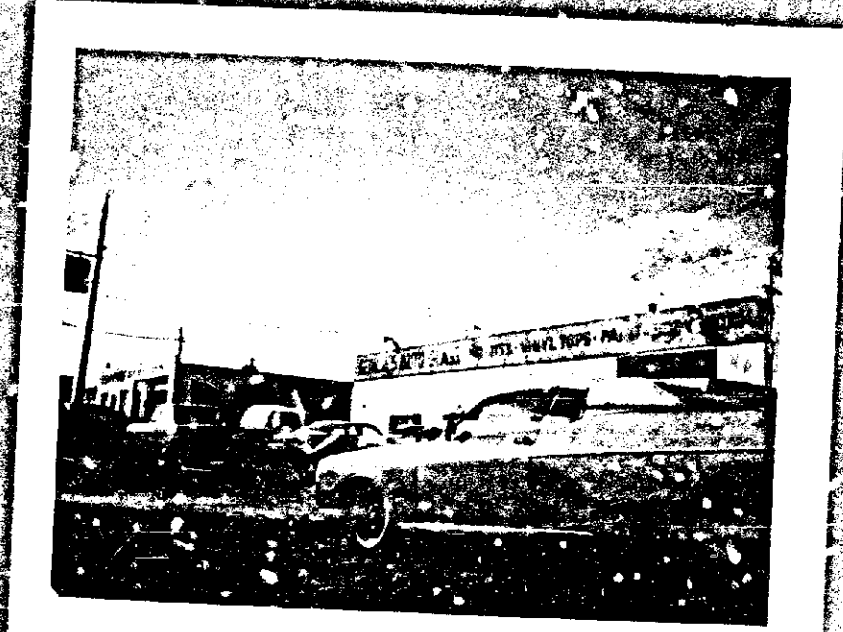
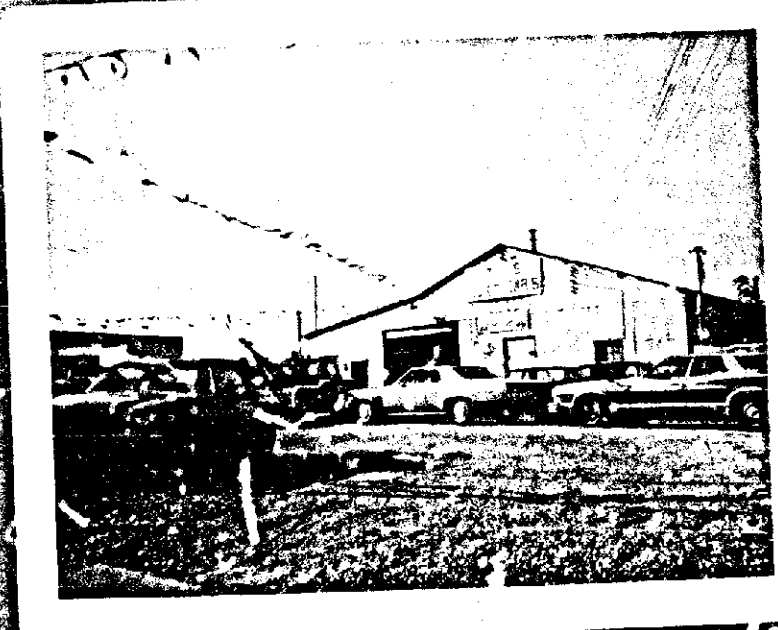
*This is not to be interpreted as acceptance of the Petition for assignment of hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 105739

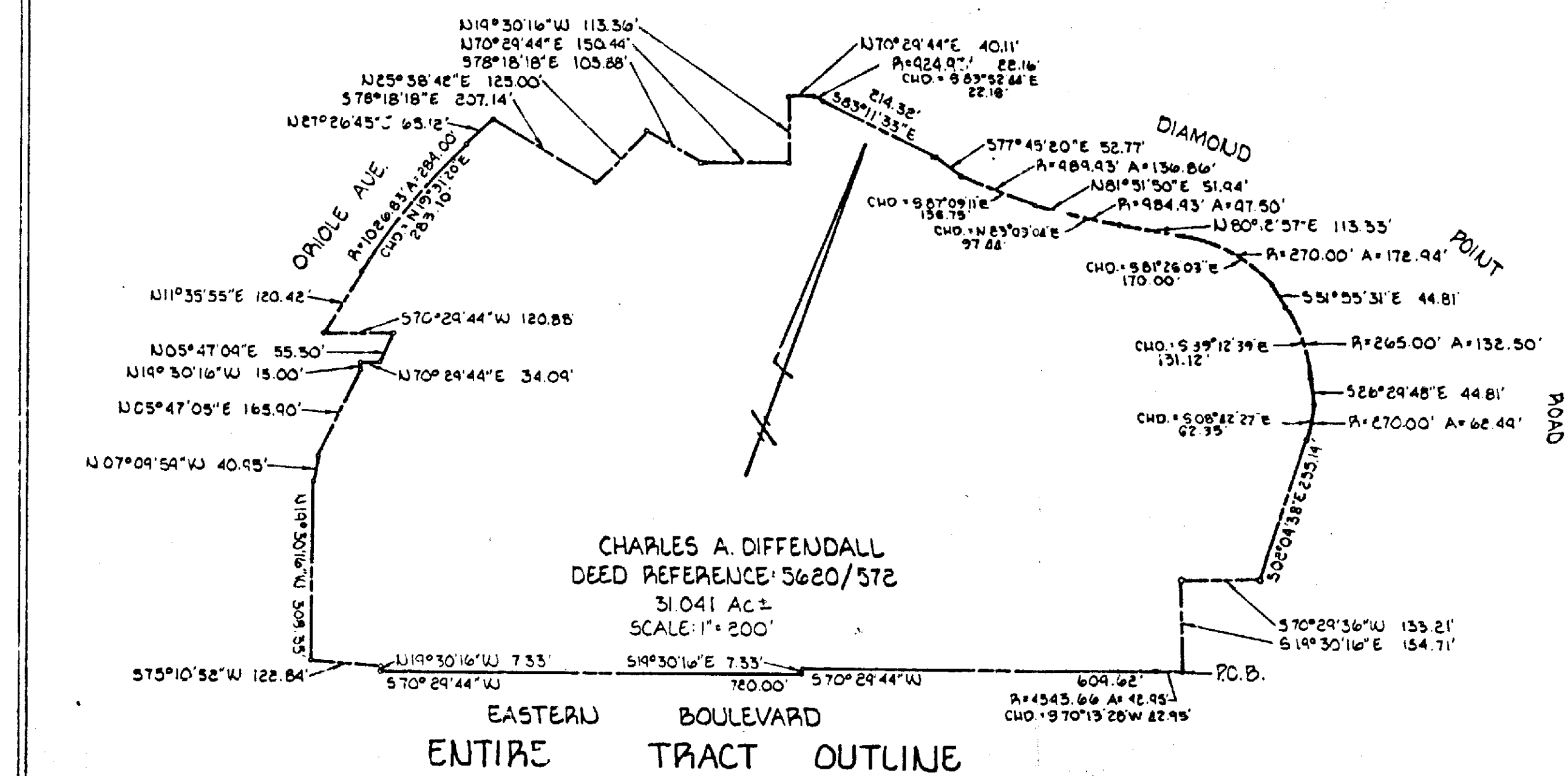
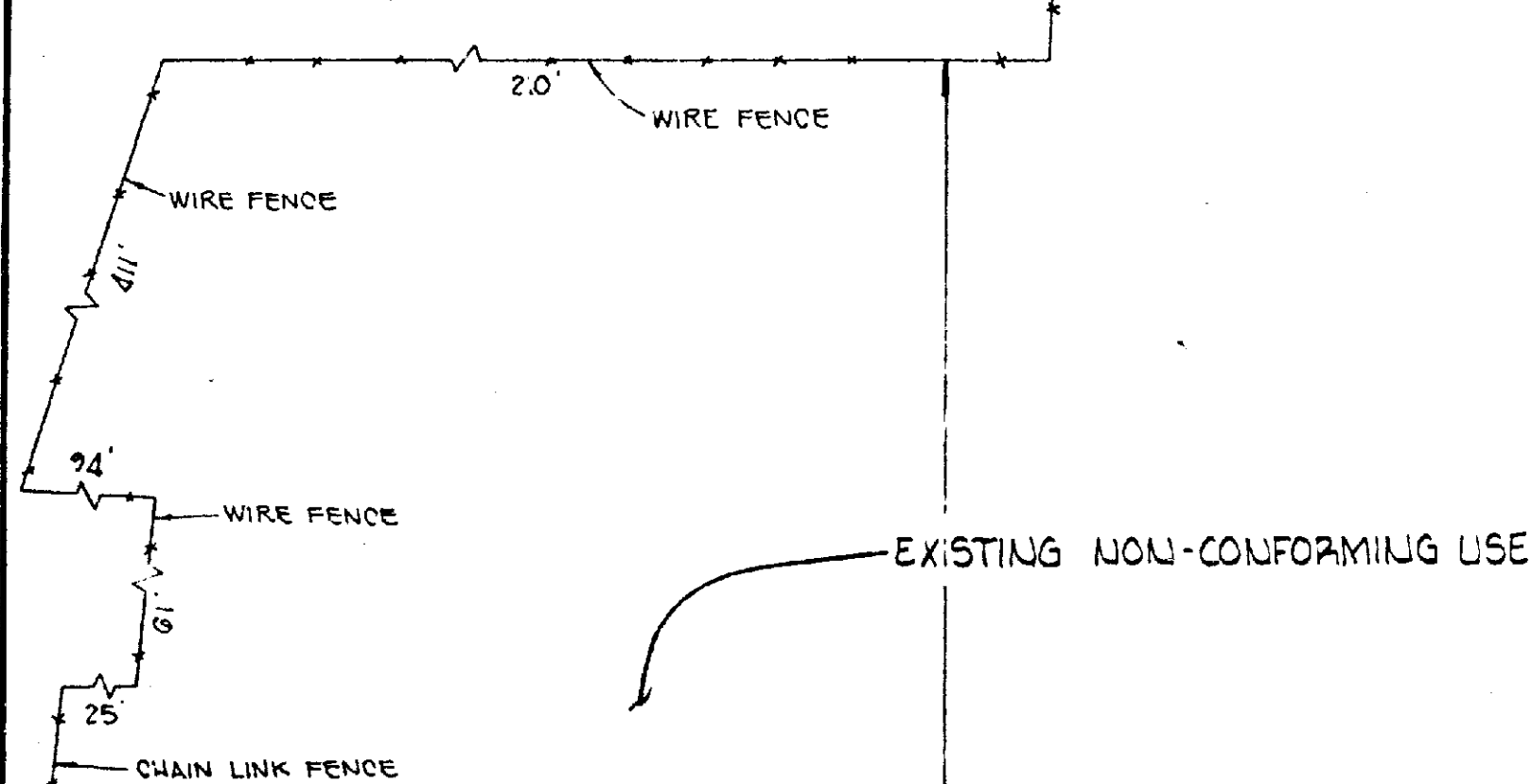
DATE *3/8/82* ACCOUNT *01-662*
AMOUNT *\$25.00*
RECEIVED *Newton A. Williams, Esquire*
FROM *Filing fee for Case #82-218-SPH (Diffendall)*
FOR

William E. Hammond
2500
VALIDATION OR SIGNATURE OF CASHIER

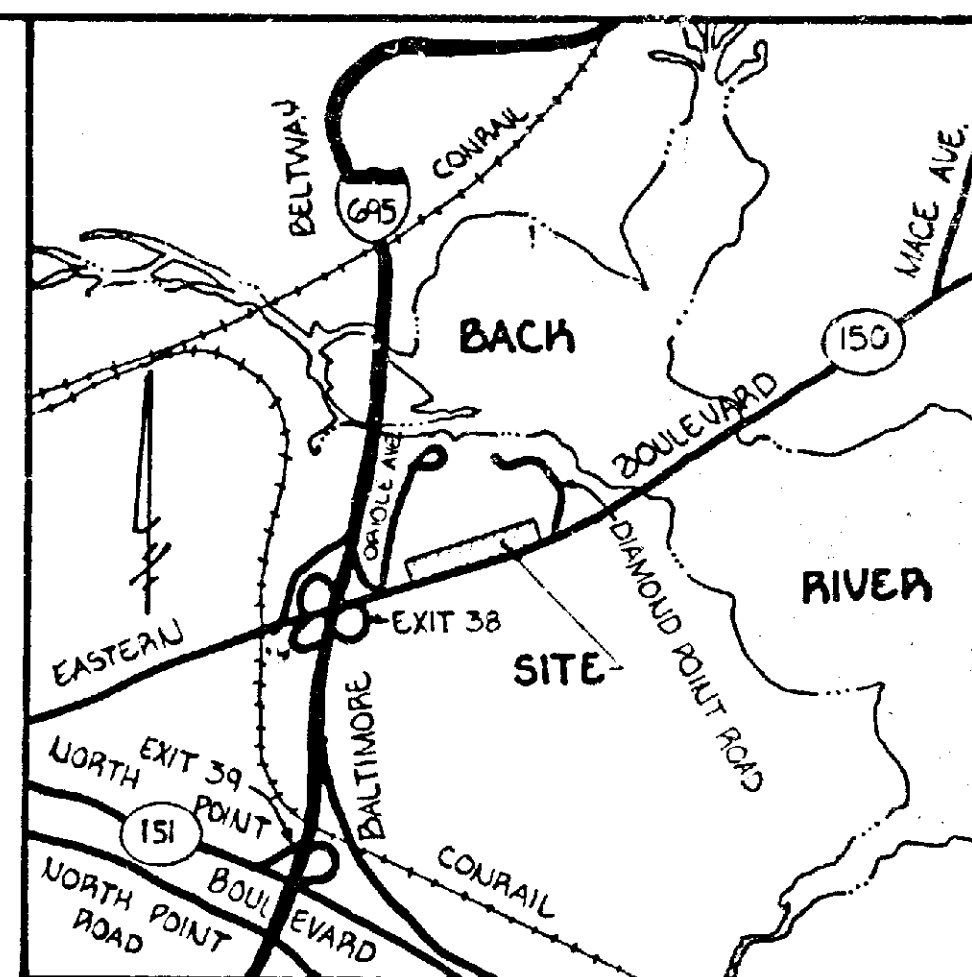


EXISTING ZONING OF PROPERTY	- 'MH'
EXISTING USE OF PROPERTY	AS SHOWN
PROPOSED USE OF PROPERTY	AS SHOWN

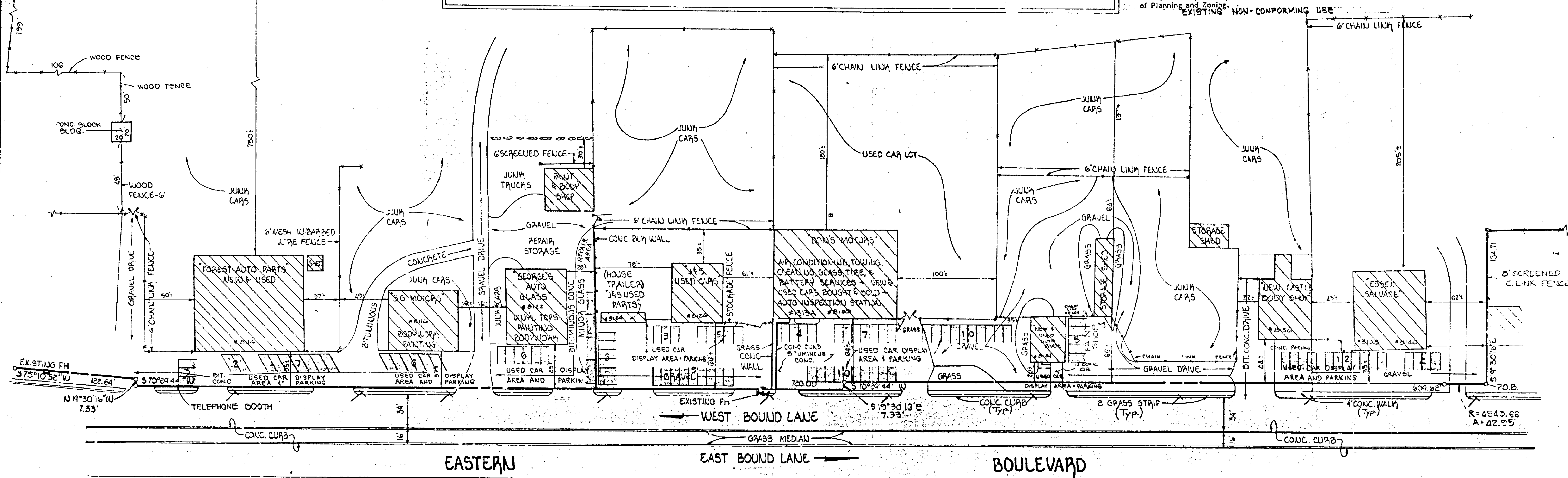
THE REAR PORTIONS OF THIS PROPERTY HAVE BEEN GRANTED
NON-CONFORMING USE FOR JUNKING AND SALVAGE OF VEHICLES IN
BALTIMORE COUNTY CIRCUIT COURT, MISC. CASE NO. 5858,
LAW DOCKET 10, FOLIO 180.



- RESTRICTIONS PER ORDER 82-218-SPH
1. The area to the front (south) of the building situated on 8116 - Eastern Boulevard shall continue to be used solely for the parking of licensed, operable vehicles.
 2. The area to the front (south) of the improvements situated on 8122, 8124, 8126, 8130, and 8136 Eastern Boulevard shall continue to be used solely for the display of vehicles available for sale and for the parking of licensed, operable vehicles.
 3. All display areas and parking areas shall be indicated on the site plan and all parking spaces shall be designated on the site plan with painted lines.
 4. The trailer located at 8124/8126 Eastern Boulevard shall comply with Sections 413.2.b.2 and 413.4.c of the zoning regulations and the stockade fence shall be maintained.
 5. Wrecking businesses, junk yards, and storage or parking of any vehicles shall be set back 75 feet from Diamond Point Road, Oriole Avenue, and Eastern Boulevard.
 6. Only fences presently existing shall be shown on the site plan and the land surveyor shall submit a letter certifying same.
 7. Abandonment or discontinuance for a period of one year or more shall terminate the nonconforming use on that portion of the property.
 8. Damage by fire or other casualty of any improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming use on that portion of the property, i.e., the space occupied by the improvement and any parking in and/or display between the improvement and Eastern Boulevard.
 9. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.
- NON-CONFORMING USE



VICINITY MAP
SCALE: 1" = 2000'

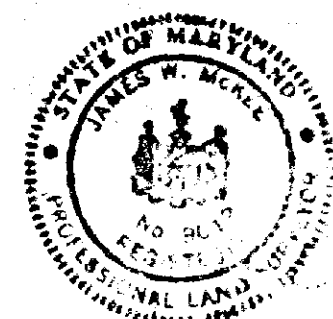


—BALTIMORE CITY- BACK RIVER SEWAGE TREATMENT FACILITY

McKEE & ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

1717 YORK ROAD ~ LAN LEA BUILDING
LUTHERVILLE, MARYLAND 21093



* NO. OF PROPOSED PARKING SPACES: 103 (9'x18' EACH)

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: [Signature]
DATE: 9/2/02

SITE PLAN

SHOWING THE AS BUILT USES
OF A PORTION OF THE

DIFFENDALL PROPERTY

15TH ELECTION DIST. BALTIMORE CO., MD.
SCALE: 1" = 50' JULY 29, 1981

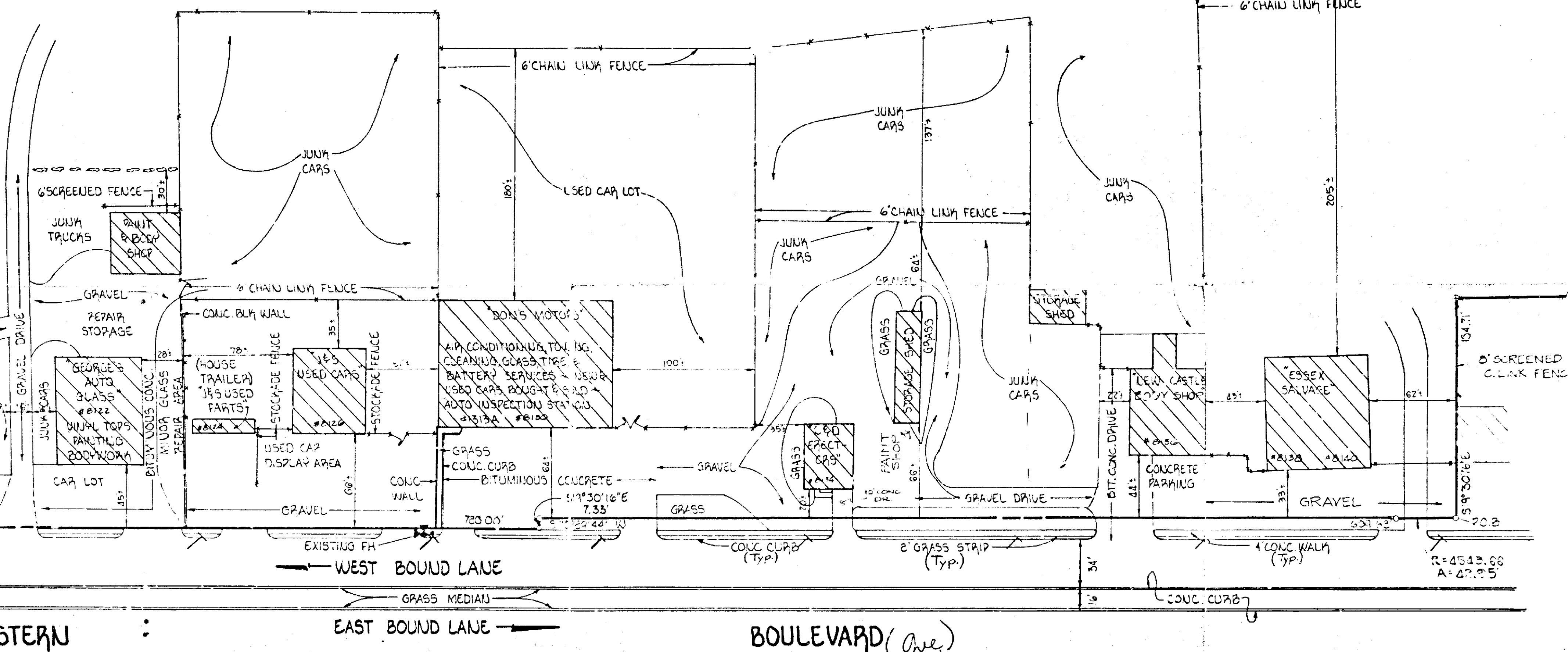
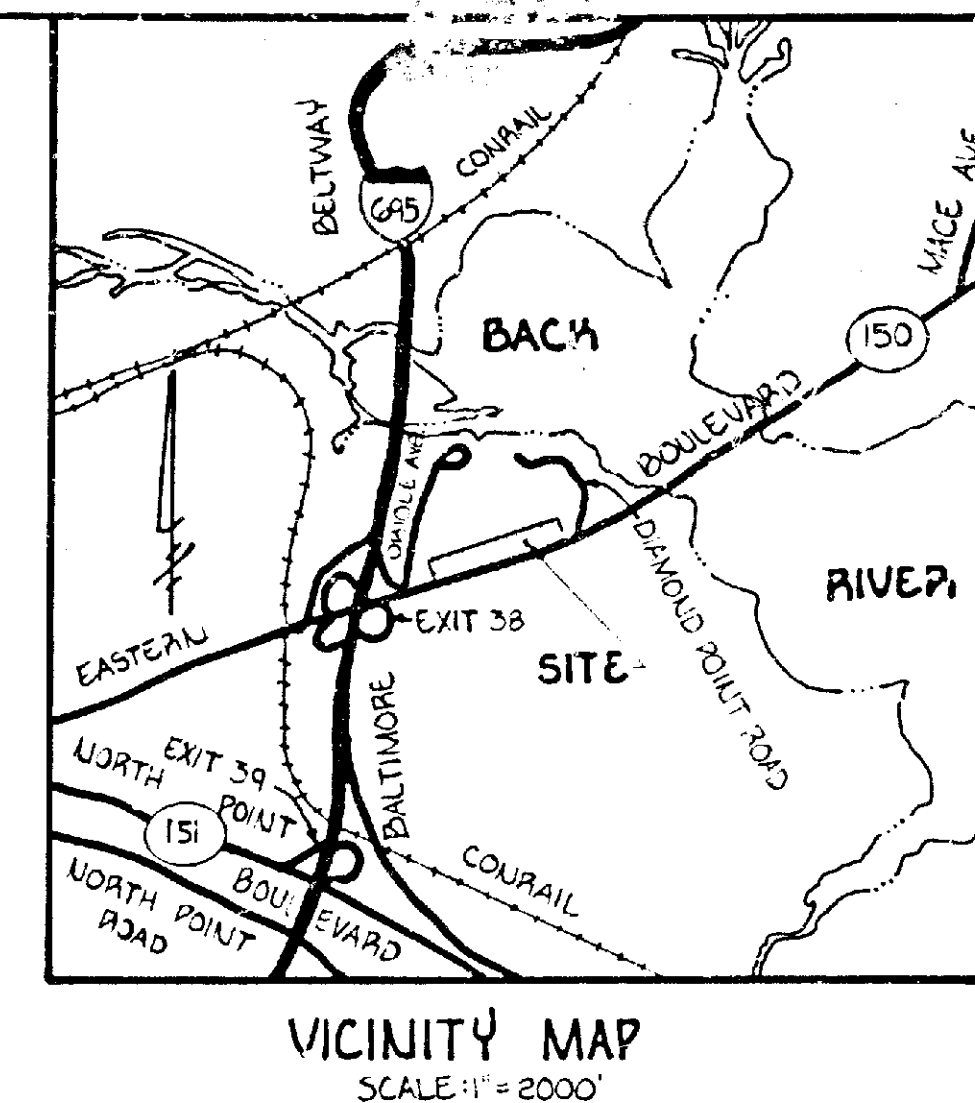
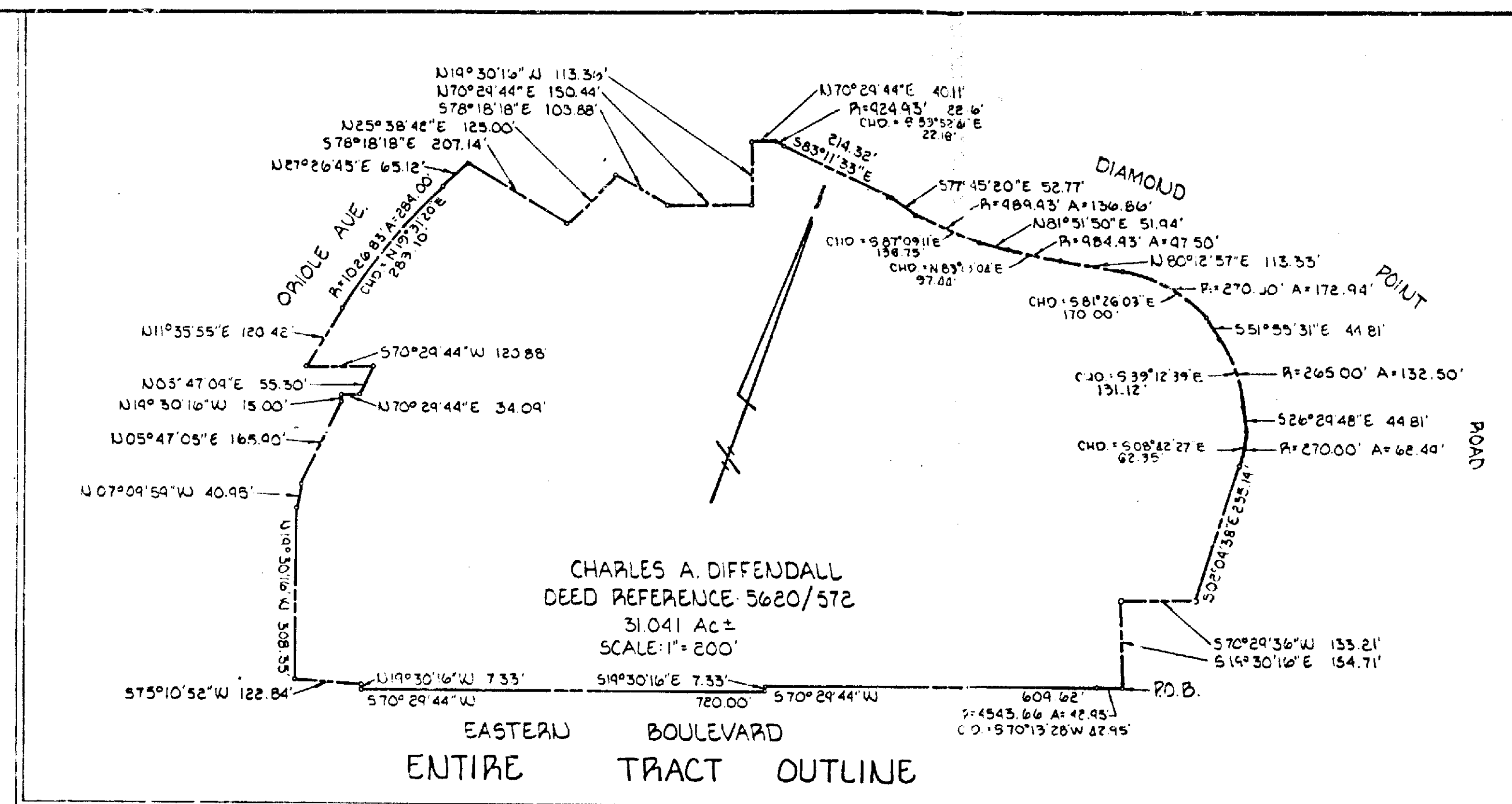
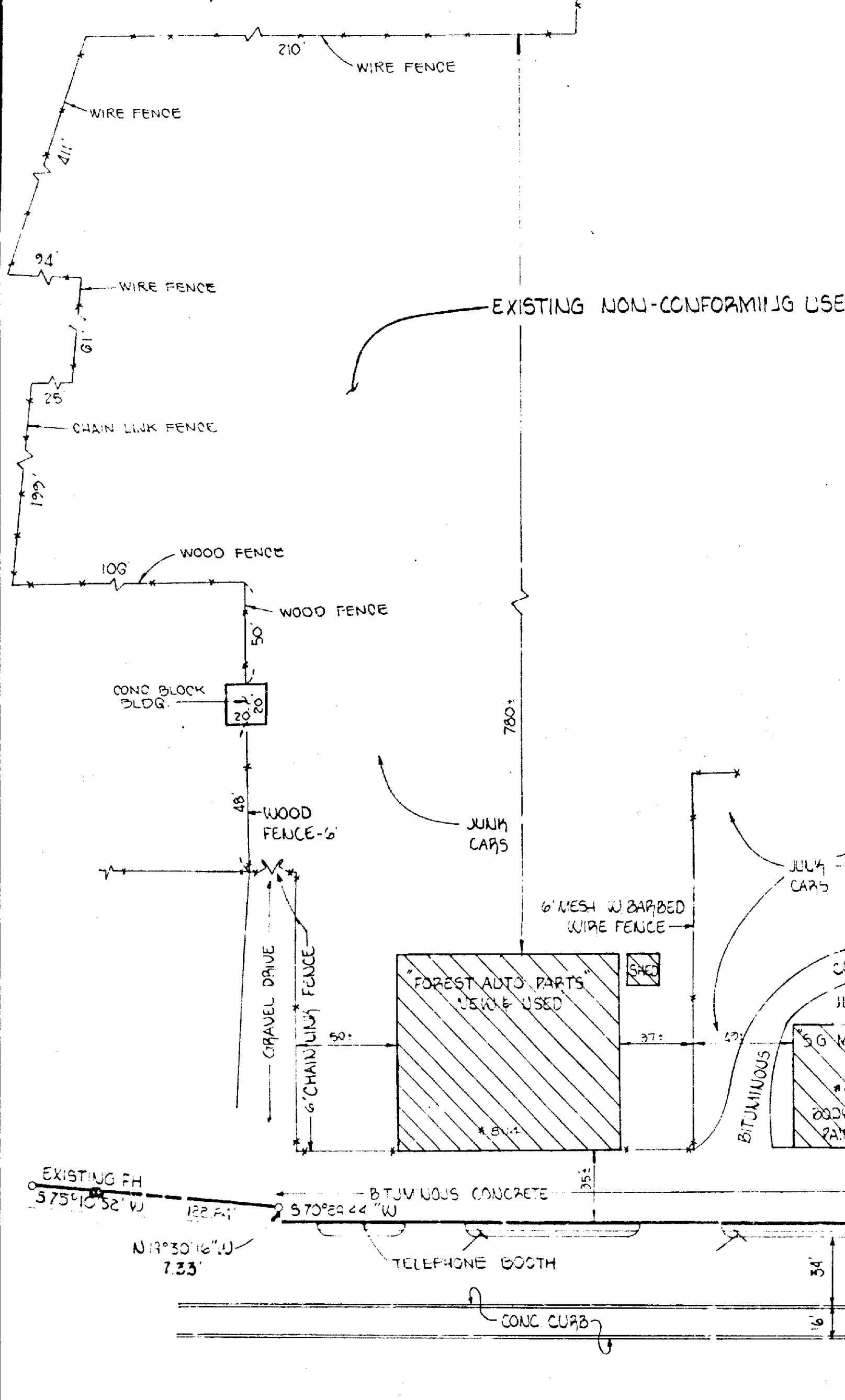
DEED REFERENCE: 5620/E72

OWNER
MR. & MRS. CHARLES DIFFENDALL
1301 VACATION ROAD
STREET, MARYLAND 21154

DATE	REVISION
1-20-82	ADDED CHORD BEARINGS & DISTANCES TO TRACT OUTLINE.
4-5-82	ADDED FRONT AND REAR BLOOD SETBACK
6-10-82	ADDED USES OF BUILDINGS. PARKING LATWIT

EXISTING ZONING OF PROPERTY	- 'MH'
EXISTING USE OF PROPERTY	AS SHOWN
PROPOSED USE OF PROPERTY	AS SHOWN

THE REAR PORTIONS OF THIS PROPERTY HAVE BEEN GRANTED
NON-CONFORMING USE FOR JUNKING AND SALVAGE OF VEHICLES IN
BALTIMORE COUNTY CIRCUIT COURT, MISC. CASE NO. 5858,
LAW DOCKET 10, FOLIO 180.



-BALTIMORE CITY- BACK RIVER SEWAGE TREATMENT FACILITY

CIVIL ENGINEERS & LAND SURVEYORS

1717 YORK ROAD ~ LAN LEA BUILDING
LUTHERVILLE, MARYLAND 21093

PETITIONER'S
EXHIBIT /
PROTESTANTS
EXHIBIT /

SITE PLAN

SHOWING THE AS BUILT USES
OF A PORTION OF THE

DIFFENDALL PROPERTY

15TH ELECTION DIST BALTIMORE CO., MD
SCALE: 1"=50 JULY 29, 1981

DEED REFERENCE: 5620/572

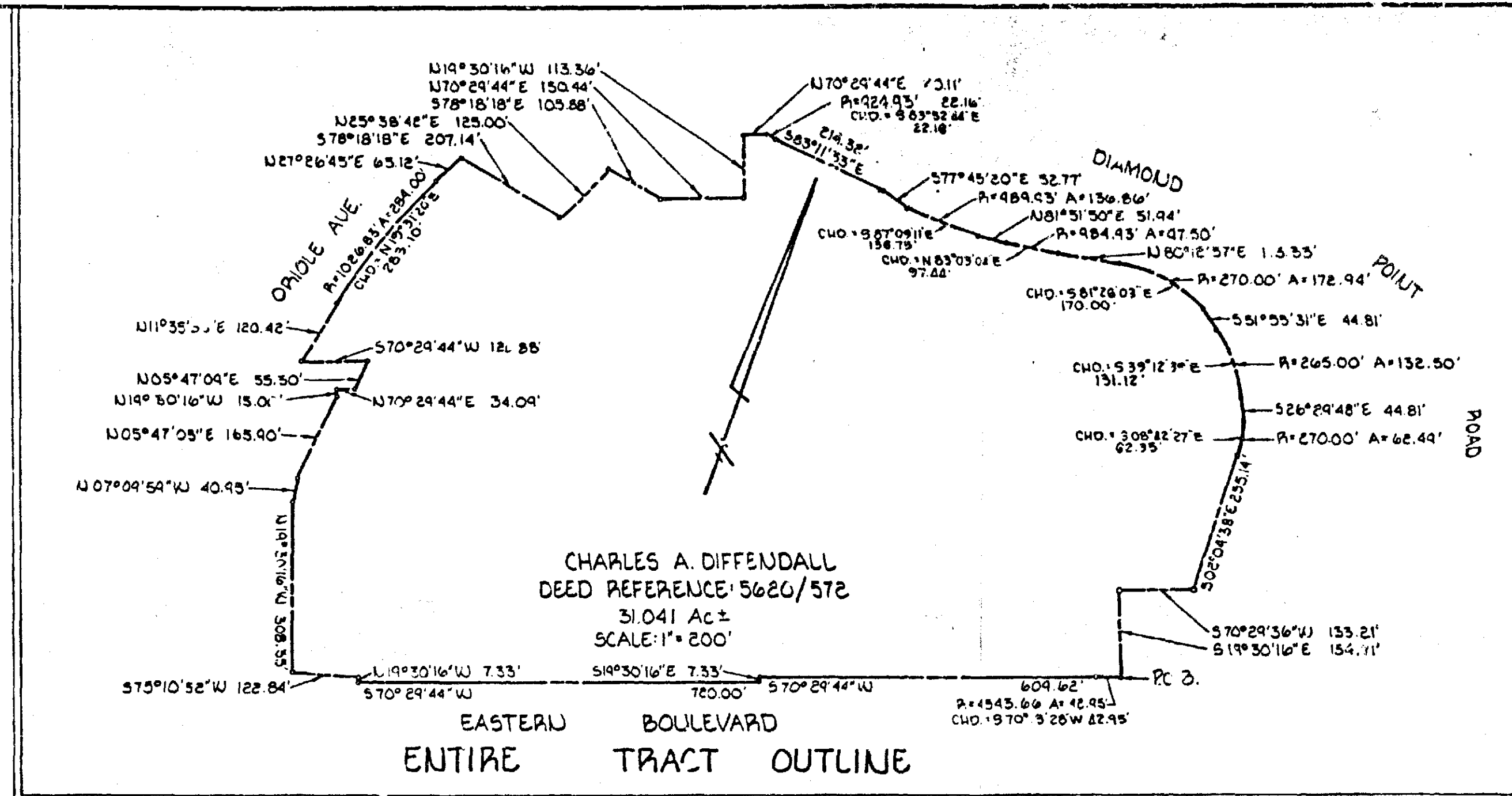
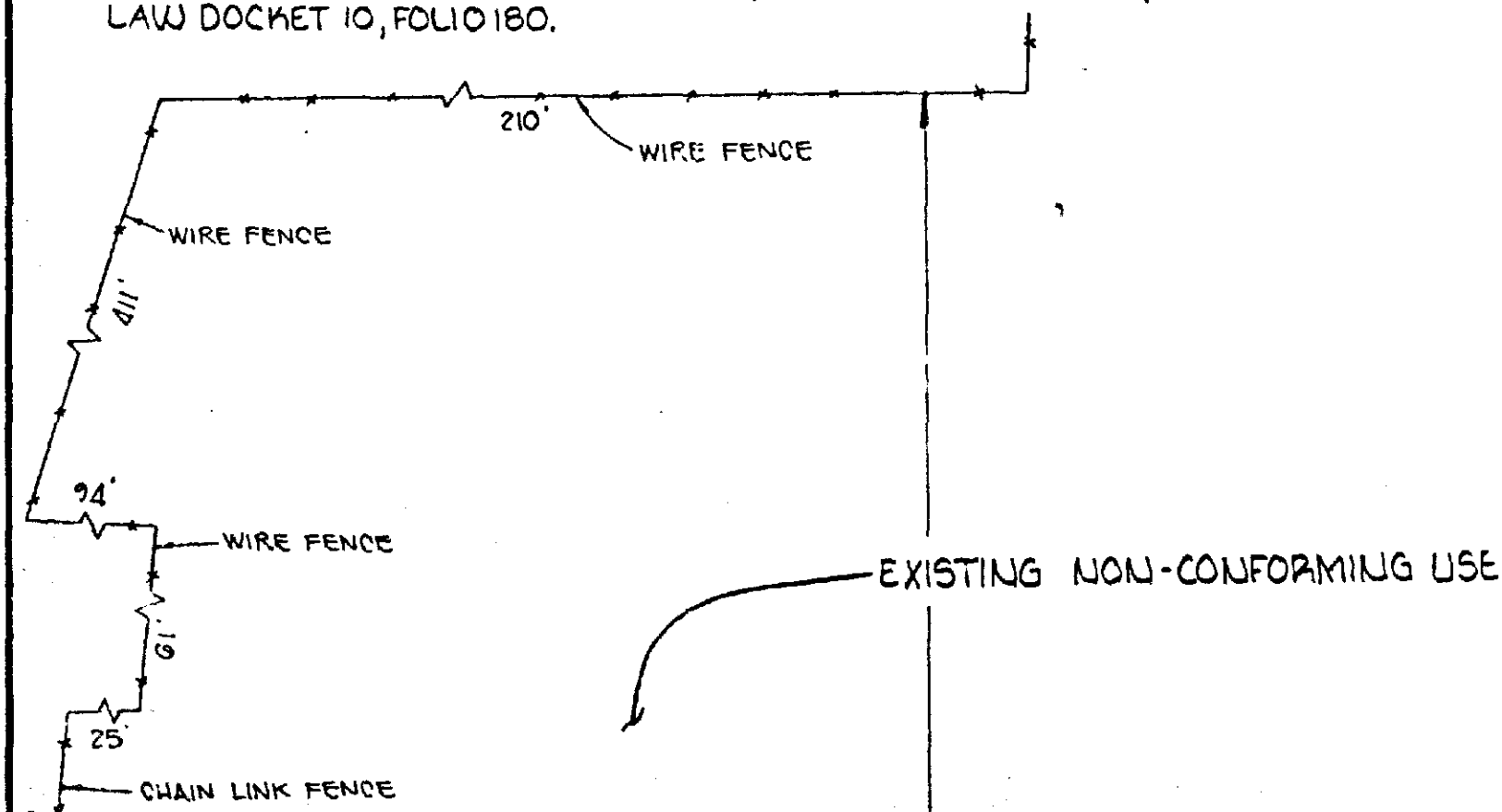
OWNER
MR & MRS CHARLES DIFFENDALL
1301 VACATION ROAD
STREET, MARYLAND 21154

DATE	REVISION
1-20-82	ADDED CHORD BEARINGS & DISTANCES TO TRACT OUTLINE.
4-5-82	ADDED FRONT AND REAR 91.33 SETPA



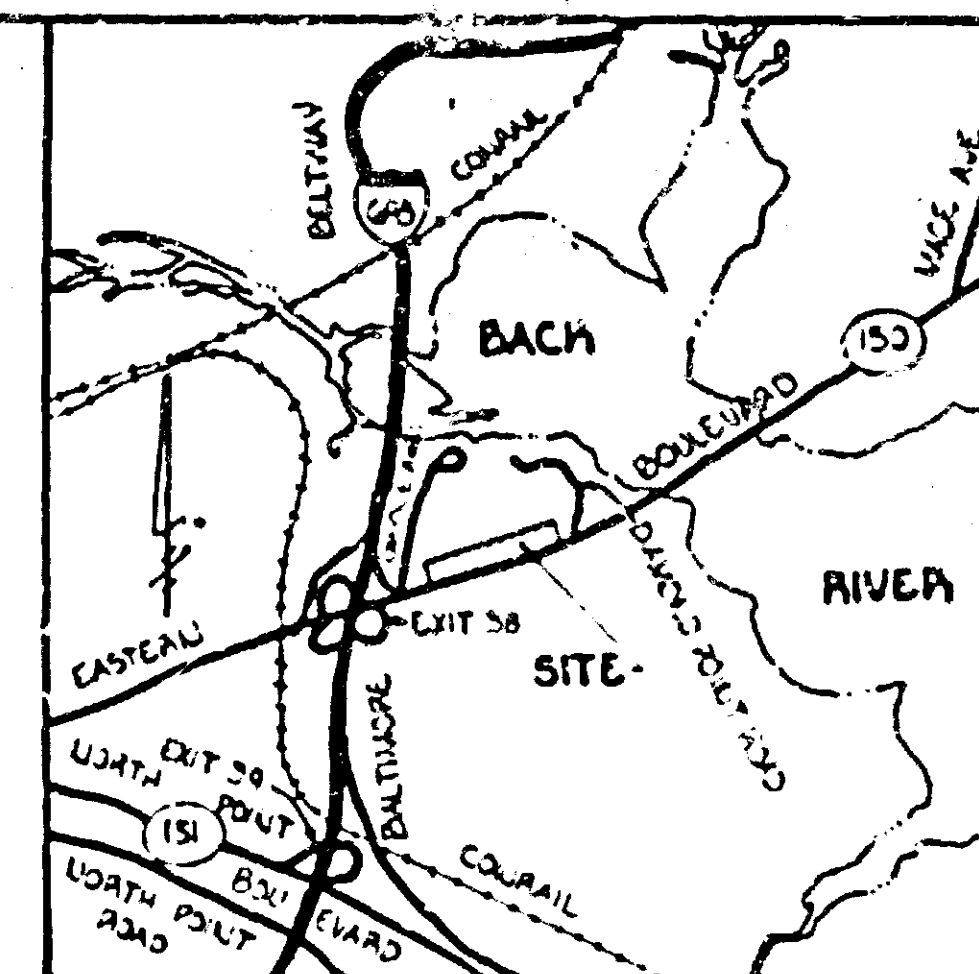
EXISTING ZONING OF PROPERTY	- 'MH'
EXISTING USE OF PROPERTY	AS SHOWN
PROPOSED USE OF PROPERTY	AS SHOWN

THE REAR PORTIONS OF THIS PROPERTY HAVE BEEN GRANTED
NON-CONFORMING USE FOR JUNKING AND SALVAGE OF VEHICLES IN
BALTIMORE COUNTY CIRCUIT COURT, MISC. CASE NO. 5858,
LAW DOCKET 10, FOLIO 180.

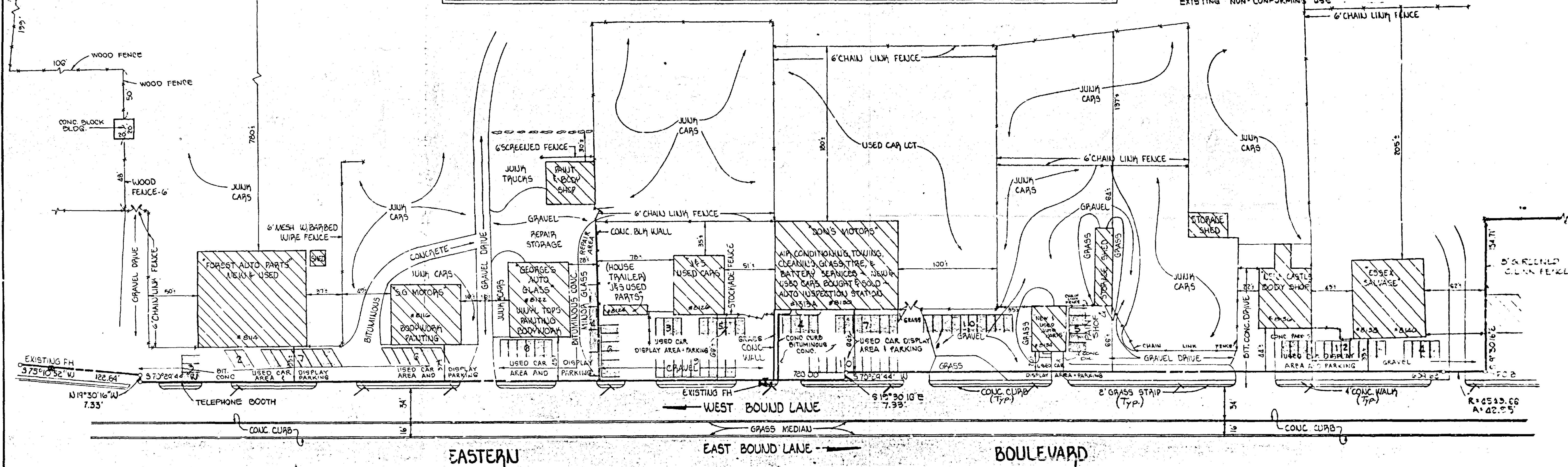


- RESTRICTIONS PER ORDER 82-218-9PW

1. The area to the front (south) of the building situated on 8116 Eastern Boulevard shall continue to be used solely for the parking of licensed, operable vehicles.
2. The area to the front (south) of the improvements situated on 8122, 8124, 8126, 8130, and 8136 Eastern Boulevard shall continue to be used solely for the display of vehicles available for sale and for the parking of licensed, operable vehicles.
3. All display areas and parking areas shall be indicated on the site plan and all parking spaces shall be designated on the sites with painted lines.
4. The trailer located at 8124/8126 Eastern Boulevard shall comply with Sections 913.2.b.2 and 415.9.c of the zoning regulations and the stockade fence shall be maintained.
5. Wrecking businesses, junk yards, and storage or parking of any vehicles shall be set back 25 feet from Diamond Joint Road, Oriole Avenue, and Eastern Boulevard.
6. Only fences presently existing shall be shown on the site plan and the land surveyor shall submit a letter certifying same.
7. Abandonment or discontinuance for a period of one year or more shall terminate the nonconforming use on that portion of the property.
8. Damage by fire or other casualty of any improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming use on that portion of the property, i.e., the space occupied by the improvement and any parking and/or display between the improvement and Eastern Boulevard.
9. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.



VICINITY MAP
SCALE: 1" = 2000'



-BALTIMORE CITY- BACK RIVER SEWAGE TREATMENT FACILITY)

PLANNED BY:
OFFICE OF:
BY:
DATE:

SHOWING THE AS BUILT USES
OF A PORTION OF THE

DIFFENDALL PROPERTY

5TH ELECTION DIST BALTIMORE CO., MD
SCALE: 1"=50' JUL 29 1981

DEED REFERENCE: 5620/372

OWNER
MR & MRS CHARLES OFFERDALL
1301 VACATION ROAD
STREET MARYLAND 2104

McKEE & ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

1717 YORK ROAD ~ LAN LEA BUILDING
LUTHERVILLE, MARYLAND 21093



* NO. OF PROPOSED PARKING SPACES: 103 (9'x18' EACH)

DATE	REVISION
1-20-82	ADDED CHORD BEARINGS & DISTANCES TO TRACT OUTLINE.
4-5-82	ADDED FRONT AND REAR SLOP SETBACKS.
6-10-82	ADDED USES OF BUILDINGS. PARKING LAYOUT

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

1. The petitioners herein seek to establish the existence of nonconforming uses, structures, and sites as depicted on the site plan filed herein and marked Petitioner's Exhibit 1.
2. Past history involving the subject property includes the following violation cases:
 - a. Case No. 74-159-V - The decision rendered by the County Board of Appeals on January 28, 1976, affirmed by Judge Walter R. Haile on May 23, 1977 (Case No. 5858, Misc. Law Docket 10, folio 180), stated that the "...subject property enjoys a continuous non-conforming use in its entirety... for wrecking and junk yard operations; that the "...continued use of the subject property should not be permitted to exist adjacent to the existing public roads..."; and ordered that "...any use of the subject property within twenty-five (25) feet of the public right of way of Diamond Point Road and Oriole Avenue for wrecking businesses, junk yards, storage of wrecked or damaged vehicles and/or the parking of private passenger vehicles and/or trucks is hereby expressly prohibited." The entire portion of the property east of Forest Auto Parts and to the rear of the buildings (July 24, 1978 approved plan) was established as an existing nonconforming use for wrecking and junk yard operations. The controlling site plan for 8116 Eastern Boulevard, identified as Forest Auto Parts on Petitioner's Exhibit 1, is the plan dated February 20, 1978, revised April 17, 1978, approved July 24, 1978, and housed in Case No. 78-277-V.
 - b. Case No. 78-277-V - The decision rendered by the then Deputy Zoning Commissioner, George J. Martinak, dated October 11, 1978, stated that the defendant was "...guilty of violating their submitted site plan by reason of allowing the parking of vehicles and storage of junk and debris within 25 feet of public roads..." and ordered that "...all vehicles, junk, debris, and any general merchandise offered for sale, must be removed from the aforementioned areas along Eastern Boulevard, Diamond Point Road, and Oriole Avenue..."
 - c. Case No. 78-277-V - The decision rendered by William E. Hammond, Zoning Commissioner, dated December 4, 1980, required the instant case.
3. No one appeared at the hearing in opposition to the petition.
4. The finding of nonconforming uses being conducted on the subject property will not adversely affect the health, safety, and general welfare of the community.

and, thus, the present hearing is required.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 10th day of March, 1983, that nonconforming uses for the businesses located at 8116 Eastern Boulevard for the repair of motor vehicles; 8122, 8124, 8126, and 8136 Eastern Boulevard for the repair and sale of used motor vehicles and vehicle parts; 8130 Eastern Boulevard for used motor vehicle sales, repairs, towing, and inspections; the front of 8134 Eastern Boulevard for the repair and sale of used motor vehicles and the rear portion for the repair of motor vehicles; and 8138 and 8140 Eastern Boulevard for the storage and sale of salvage within the building as well as to the front, sides, and rear of the building have existed and have been conducted on the subject property prior to the adoption of the Baltimore County Zoning Regulations and, as such, the Petition for Special Hearing is hereby GRANTED the right to continue from and after the date of this Order, subject, however, to the following restrictions:

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

May 2, 1977

Re: Item #26 (Cycle I April-October 1977)
Property Owner: Charles A. Diffendall
N/W cor. Eastern Ave. & Diamond Point Rd.
Existing Zoning: M.H.
Proposed Zoning: B.M.
District: 15th No. of Acres: 31.00

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments were supplied in connection with the Zoning Advisory Committee review of this property for Item #1 Cycle VII (April-October 1974). Those comments are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #26 Cycle I (April-October 1977).

Very truly yours,
Donald W. Tucker
DONALD W. TUCKER, P.E.
Acting Chief, Bureau of Engineering

DWT:EM:FW:sa
cc: R. Morton
R. Covahey (Maret Corp. Shopping Ctr.)

I-SW Key Sheet
1 & 2 NE 22 & 23 Pos. Sheets
NE 1 F Topo
96 Tax Map

Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
April 24, 1974

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #1 (Cycle VII - April to October 1974)
Property Owner: Charles A. & Charlotte Diffendall
N/W corner of Eastern Blvd. & Diamond Point Rd.
Existing Zoning: D.P. 16 & M.L.
Proposed Zoning: B.M.
No. of Acres: 30.66 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property is currently being processed by Baltimore County as a proposed shopping center under the name of Maret Corporation Shopping Center. Attached is a complete copy of the Bureau of Engineering Comments, dated December 21, 1973. Also included are pertinent supplemental comments as well as comments furnished subsequent to the Joint Subdivision Planning Committee meeting which was held for this property on October 4, 1973.

Very truly yours,
Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EM:REC:sa
NE 1F Topo
I-SW Key Sheet
1 & 2 NE 23 Pos. Sheet
96
Attachments

Baltimore County Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
April 8, 1974

Bureau of Public Services
GEORGE A. REISER, P.E. CHIEF

Maret Development Corporation
400 E. Franklin Building
Baltimore, Maryland 21201

Maret Corporation Shopping Center
Eastern Boulevard, Diamond Point Road
and Oriole Avenue
District 15

Dear Sirs:

A meeting was held in the office of the Director of Public Works, Mr. Albert B. Kaitenbach, on April 1, 1974. Those in attendance were Mr. Peter Angelos, Mr. Jack Burfield, and George A. Reiser.

The main concern of the meeting centered around the disposition of sanitary sewer relative to the site and adjacent properties. It was determined that the Maret Development Corporation would be permitted to pursue the construction of a private sanitary pumping facility and that this office would continue the process of petitioning sanitary sewers for those properties on Diamond Point Road and Oriole Avenue.

The Developer will be responsible for the design and construction of the water main in Diamond Point Road from Eastern Boulevard to the point of connection with the existing 6-inch water main in Oriole Avenue. It is recommended that the water design include the location of the water along the western and southern sides of Diamond Point Road. A Public Works Agreement will be executed to include the aforementioned and will include the necessary signatization on Eastern Boulevard.

Very truly yours,
George A. Reiser
GEORGE A. REISER, CHIEF
BUREAU OF PUBLIC SERVICES

CA:rb

cc: Maryland Surveying & Engineering Co.
6707 Whitestown Rd. (21207) Md.

Mr. Greenwalt
Mr. McDonough
Mr. Gross

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George A. Reiser, P.E. Date: October 31, 1973
FROM: Ellsworth N. Diver, P.E.
SUBJECT: Maret Corporation Shopping Center
Eastern Boulevard and Diamond Point Road
J.S.P.C. Meeting October 4, 1973

The Joint Subdivision Planning Committee Meeting of the proposed Maret Corporation Shopping Center was held on October 4, 1973. A final decision on the method of severing this property and the requirement for construction of a public water main in Diamond Point Road was postponed pending further study.

With reference to the sanitary sewer facilities which will serve this property, a private pumping facility serving only the shopping center property will be permitted. The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

With respect to the second unresolved point, public water main construction will not be required in Diamond Point Road along the frontage of this property. However, the Developer shall have his Engineer design and prepare construction drawings for a future water main in Diamond Point Road from Eastern Boulevard to Oriole Avenue. Upon the approval of these construction drawings they will become the property of Baltimore County.

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

Approved by: (Signed) ALBERT B. KAITENBACH
ALBERT B. KAITENBACH, P.E.
Director of Public Works

AK:EM:REC:sa

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George A. Reiser, P.E. Date: January 15, 1974
FROM: Ellsworth N. Diver, P.E.
SUBJECT: Maret Corporation Shopping Center
District 1506

In reviewing the preliminary comments with the Developer's engineer, several questions were raised concerning the construction and financing of Diamond Point Road between Eastern Boulevard and the first entrance into the shopping center.

Our preliminary comment called for curb and gutter and widening of the existing paving along the shopping center side extending to Eastern Boulevard. This of course would include improvements along the Raymond W. Kirk property at the intersection of Diamond Point Road and Eastern Boulevard. Cost responsibility for improvements along the Kirk property was not specifically mentioned.

The Department of Traffic Engineering in their preliminary comments called for Diamond Point Road to be improved to 40 feet in width between Eastern Boulevard and the first entrance to the shopping center.

Since the proposed improvements to Diamond Point Road between Eastern Boulevard and the entrance to the shopping center will be necessitated by the traffic generated by this shopping center, we feel that the Developer should be fully responsible for the total cost of highway improvements in this area. If you concur with our opinion that these costs should be borne by the Developer, please inform him of these responsibilities.

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EM:REC:sa

BALTIMORE COUNTY, MARYLAND

SUBDIVISION REVIEW COMMENTS

DATE: December 21, 1973

TO: Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

PROJECT NAME: Maret Corporation Shopping Center
PROJECT NUMBER: #3123
LOCATION: Eastern Blvd. and Patapsco Freeway
DISTRICT: 1506

PRELIMINARY PLAN: X
TENTATIVE PLAN
DEVELOPMENT PLAN
FINAL PLAN

The site plan for the subject site, dated December 3, 1973, has been reviewed by the Developers Design Approval Section of the Bureau of Engineering and the following comments are furnished:

HIGHWAY COMMENTS:

Eastern Boulevard is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Diamond Point Road is an existing road which has recently been reconstructed by the State Highway Administration. Present improvements consist of a 20-foot paving section within a basic 60-foot right-of-way. This road is proposed for ultimate improvement as a 40-foot combination curb and gutter cross-section within the existing right-of-way. Improvements in connection with this subdivision shall consist of curb and gutter in its ultimate location and a sufficient width of paving to tie into the existing paving along the frontage of the subdivision and extending to Eastern Boulevard. The Developer's responsibilities shall be as follows with the construction to be accomplished under a County contract:

- a. The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- b. The submission of cross-sections as deemed necessary for design or construction purposes. The sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- c. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way.

Project #3123
Maret Corporation Shopping Center
Page 2
December 21, 1973

HIGHWAY COMMENTS: (Cont'd)

- d. The grading of the widening to the proposed cross-section based on the grade of the existing road. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- e. The construction of combination curb and gutter in its ultimate location and a minimum of 18" feet of paving adjacent thereto along the frontage of the property.
- f. The relocation of any utilities or poles as required by the road improvements.

Oriole Avenue is an existing road which shall ultimately be improved with a 30-foot combination curb and gutter cross-section on a 50-foot right-of-way. Although no construction will be required at this time, the Developer shall be responsible for the following:

- a. The establishment of line and grade along the frontage of this site and the submission of cross-sections as deemed necessary for the establishment of the limits of slopes on this property.
- b. The grading of the widening and slopes to the proposed cross-section based on the grade of the existing road. Where adjacent properties are adversely affected by the grading, the Developer shall be financially responsible for the necessary repairs to these properties.
- c. The dedication of the widening at no cost to the County.
- d. The preparation of the right-of-way plats for any offsite road rights-of-way required to perform the necessary grading.
- e. The relocation of any utilities or poles as required by the grading of the widening.
- f. Pay a fixed deposit based on the estimated cost of curb and gutter and a minimum of 18" feet of a 10-inch standard paving section adjacent thereto along the frontage of this property. The estimated cost will be based on current bid prices and the exact width of paving responsibility shall be based on the field run data supplied by the Developer's engineer.

The entrance locations are subject to approval by the Department of Traffic Engineering.

RIGHTWAY COMMENTS: (Cont'd)

Entrances shall be a minimum of 24 feet and a maximum of 30 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Detail R-33, R-33A and P-333, 1971 Edition), as the Developer's total responsibility. Thirty-five (35) foot entrances are not permitted.

Memorial entrances shall consist of two 24-foot lanes divided by a 6-foot median with minimum 10-foot radii curb returns and shall be constructed in accordance with Baltimore County Standards for 7 inch concrete entrances.

Entrances from Eastern Boulevard are also subject to State Highway Administration approval.

In accordance with Mill No. 32-72, street lights are required in all subdivisions. The Developer's engineer shall indicate on the preliminary plan the locations of the light standards so that comments can be given on these, as well as other County requirements. The Developer will be responsible for the full costs of installation of the cable poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

Sidewalks are required on all public roads adjacent to this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards (Detail R-20) which places the back edge of the sidewalk 2 feet off the property line.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

STORM DRAIN COMMENTS:

In accordance with the drainage policy, the Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - including the deeding in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

STORM DRAIN COMMENTS: (Cont'd)

Construction drawings are required for offsite drainage facilities and any onsite facilities serving offsite areas. The plans are to be designed in accordance with Baltimore County Standards and Specifications, and the drawings submitted for review and approval by the Baltimore County Bureau of Engineering. Construction is to be accomplished under a County contract and inspection.

All storm drains constructed in Diamond Point Road must be public facilities.

Onsite drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map - scale, 1"=200', including all facilities and drainage areas involved, shall be shown on the required construction plans.

If offsite rights-of-way are necessary for storm drains, the Developer is hereby advised that the final plat and/or building permit will not be approved until the offsite right-of-way is acquired. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision. If an easement less than 10 feet in width has previously been provided along any bordering property line within an adjacent subdivision, an additional easement to provide for a minimum width of 10 feet shall be provided along that property line within this subdivision.

The Developer is responsible for the cost of temporary structures and measures required in the event of sectional development.

SEDIMENT CONTROL COMMENTS:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

WATER COMMENTS:

Public water is available to serve the proposed shopping center. There is an existing 16-inch water main in Eastern Boulevard.

Permission to obtain a metered connection from this existing main may be obtained from the Department of Permits and Licenses.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the Developer's full responsibility for construction and maintenance.

Onsite private water mains, with fire hydrants shall be metered at the public source. The size and design of the water shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

This property is subject to a Water System Connection Charge based on the size of water meter utilized. The total Water System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges. If there are existing water services which will be removed, the Developer will be given credit for one service connection charge for each existing service not used to serve the proposed shopping center.

The Developer is responsible for the cost of capping any existing water main connection not used to serve the proposed shopping center.

A preliminary print of this property has been referred to the Baltimore City Water Division, for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Public water main construction will not be required in Diamond Point Road at this time; however, complete engineering design must be furnished by the Developer's engineer in accordance with the supplemental Joint Subdivision Planning Committee comment previously forwarded.

Fire hydrant spacing along Diamond Point Road should be in accordance with the Fire Prevention Bureau's comments.

SANITARY SEWER COMMENTS:

A private pumping facility will be allowed to serve this property as stated in the supplemental Joint Subdivision Planning Committee comment.

Permission to connect the private sanitary facilities to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of all coverage required to serve the proposed shopping center. Such sewerage is to be constructed onsite, that is, not within any public road, rights-of-way, or easement, except for connection to public sanitary sewerage located therein. All private and/or onsite sewerage must conform with the Baltimore County Plumbing Code and/or the Joint Interim Policy of the Baltimore County Department of Public Works and the Baltimore County Plumbing Board, as applicable.

SANITARY SEWER COMMENTS: (Cont'd)

The Developer is cautioned as to the disposal of industrial wastes. Wastes detrimental to the public sewer system, or to the functioning of the sewage pumping stations and/or treatment plants, shall be treated or disposed of as found necessary and directed by the Administrative Authority or other authority having jurisdiction.

Further, it shall be unlawful for any person to deposit by any means into the building drainage system or sewer, any ashes, cinders or rags - flammable, poisonous, or explosive liquids - gases, oils, grease, or any other material which would or could obstruct, damage or overload such system or sewer.

This property is subject to a Sanitary Sewer System Connection Charge based on the size of water meter used.

The total public Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

The preliminary plat of this property has been forwarded for Maryland State Department of Health approval. Such approval is required prior to acceptance of the preliminary or final plat for recordation. The Developer will be notified if, for any reason, such approval is withheld.

A Public Works Agreement must be executed by the owner and Baltimore County for the above mentioned improvements, prior to the recording of a record plat.

Ellsworth H. Diver, P.E.
ELLISWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END: EAH:rcs

cc: File



James J. O'Donnell
Secretary
M. S. Caltrider
Administrator

October 23, 1981

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting of 10/27/81
ITEM: #76.
Property Owner: Charles A. & Charlotte Diffendall
Location: N/S Eastern Blvd.
Route 150, 65' W. of Diamond Point Road
Existing Zoning: M.H.
Proposed Zoning: Special
Hearing to approve a non-conforming commercial use, structures and sites for the Diffendall Property.
Acre: 31-041
District: 15th

Dear Mr. Hammond:

On review of the site plan of July 29, 1981 and field inspection the State Highway Administration offers the following comments.

With the existing concrete curb and gutter and entrances from Essex Salvage to Forest Auto Parts in a deteriorated and poor condition and the site found not to be a non-conforming use, then the frontage of the site will have to be improved to meet current State Highway Administration Standards.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

cc: Mr. J. Wimbley

My telephone number is (301) 659-1350

P.O. Box 717 1707 North Calvert St., Baltimore, Maryland 21203



STEPHENE COLLINS
DIRECTOR

January 20, 1982

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

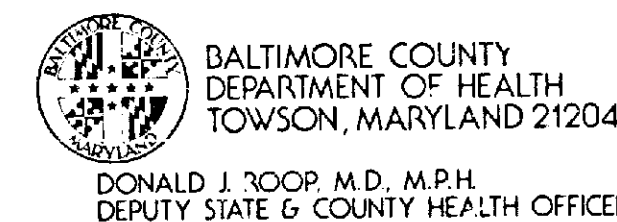
Re: ZAC Meeting - October 27

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment for items number 74, 75 and 76.

MSF/r1j

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate II



December 3, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 76, Zoning Advisory Committee Meeting of October 27, 1981, are as follows:

Property Owner: Charles A. & Charlotte Diffendall
Location: N/S Eastern Blvd. 65' W. of Diamond Point Road
Existing Zoning: M.H.
Proposed Zoning: Special Hearing to approve a non-conforming commercial use, structures and sites for the Diffendall property.

Acre: 31.041
District: 15th

The commercial structures located on the subject property are served by metropolitan water and private sewage disposal systems.

A survey is currently being conducted in the vicinity (including the existing structures on the Diffendall property) to ascertain whether the sewage disposal facilities serving the commercial buildings and residences are adequate and functioning properly. Preliminary results indicate a significant number of failing and/or inadequate sewage disposal systems; necessitating the need for extension of metropolitan sewer.

If any new building structures are proposed, a building permit for its construction will not be approved until metropolitan sewer has been extended and is available to serve the building.

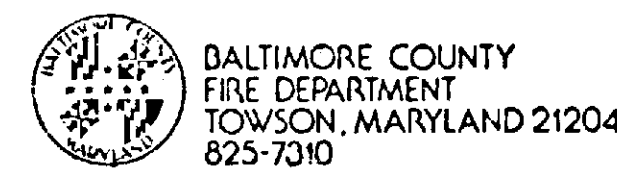
A Permit to Construct from the Division of Air Pollution Control is required for such items as paint spray processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

The parking area/s should be surfaced with a dustless, bonding material.

Very truly yours,

Jan J. Forrest
Jan J. Forrest
Director
BUREAU OF ENVIRONMENTAL SERVICES

BHS/mgt



December 15, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Charles A. and Charlotte Diffendall

Location: N/S Eastern Blvd. 65' W. of Diamond Point Road

Item No.: 76

Zoning Agenda: Meeting of October 27, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

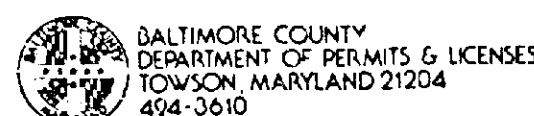
() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: *George M. Leggett*
George M. Leggett
Fire Prevention Bureau

REVIEWED: *Jan J. Forrest*
Jan J. Forrest
Planning Group
Special Inspection Division

JK/mb/cm



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
204-3010

ED ZALESKI JR.
DIRECTOR

November 13, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #76 Zoning Advisory Committee Meeting, October 27, 1981
are as follows:

Property Owner: Charles A. & Charlotte Diffendall
Location: N/S Eastern Blvd. 65' W. of Diamond Point Road
Existing Zoning: M.L.
Proposed Zoning: Special Hearing to approve a non-conforming commercial use, structures and sites for the Diffendall property.

Address: 31.041
District: 15th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
 - A building/ permit shall be required before beginning construction.
 - Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.
 - Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
 - In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
 - Requested variance conflicts with the Baltimore County Building Code, Section/s.
 - A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
 - Before this office can consent on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer, certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 214.
- X 1. Comments - As non-conforming structures, Sections 105.1 and 119.3 of the 1978 B.C.O.C.A. Basic Building Code would be applicable.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burdham
Charles E. Burdham, Chief
Plans Review

CEB:rrj

The Board's opinion contains a summary of the testimony of the three witnesses called by the appellant, viz: Amedee Z. Raphael, Jr., Zoning Inspector, Michael Lee Chullin, owner of a nearby property, and Mildred J. Grimm, owner of a neighboring property. The Board's opinion also mentions that one of the owners of the property, Charles A. Diffendall, testified, and that the property owners called several other witnesses. Their names are Charlotte Diffendall, wife of Charles; Francis Vigneri, President of Forest Auto Parts; and William Lucich, Lessee of part of the property, and operator of J. & J. Wrecking.

The Board's statement of the facts found, is as follows:

"The uncontradicted testimony, which was amply supported by exhibits introduced as well as by other exhibits in the file, conclusively indicated to this Board that the property has been owned by the Defendant at least since the year 1936, and it has been used continuously for wrecking and junkyard operations since that time, or shortly thereafter. This, of course, would amount to a legal non-conforming use....
"The only portion of this property on which the non-conforming use might have been abandoned that the Board can determine is that portion to the north of the new Diamond Point Road as extended.

"This portion was not voluntarily abandoned by the Defendant, but rather the abandonment was caused by the condemnation by the State Highway Administration and the construction of the extension of Diamond Point Road. During the condemnation and construction the portion of the Defendant's property to the north side of Diamond Point Road was isolated and he was denied access thereto.

"The Board, in good conscience, cannot find that there was an abandonment of that portion of the subject property on the north side of Diamond Point Road because of the operation of a governmental authority in the two years or so that it took to construct Diamond Point Road, and consequently we hold that legal non-conforming use extends to that portion of the subject property also.

"Consequently the Board finds as a fact that the subject property enjoys a continuous non-conforming use in its entirety...."

RE: ALLEGED ZONING VIOLATION : BEFORE
on property located on : COUNTY BOARD OF APPEALS
Diamond Point Road :
15th District :
OF
Charles A. Diffendall and :
Peter G. Angelos, et al : BALTIMORE COUNTY
Defendants :
No. 74-159-V
(C-74-288)

OPINION

This case comes before the Board on an appeal filed by the Defendants from an Order dated July 12, 1974 of the Deputy Zoning Commissioner finding a violation to exist. The property in question is located on the north side of Eastern Avenue between Oriole and Diamond Point Roads, in the 15th Election District of Baltimore County.

The subject property is presently zoned M.L. and enjoys "grandfathering" under the zoning maps adopted in 1971, which would permit the construction of a shopping center, provided construction is commenced prior to the expiration of five years from the adoption of the maps, i.e. March 24, 1976.

It is the impression of this Board that the Defendants did not appear at the hearing before the Deputy Zoning Commissioner, and in any event the case comes before this Board de novo. At this hearing Mr. Amedee A. Raphael, a Baltimore County zoning inspector of seventeen years experience, testified that there were two wrecked vehicles located in a D.R. 16 zone in that portion of the subject property located along Oriole Avenue. He further described general junk and wrecking operations over the entire subject property, which have been continuous, at least since his first inspection as of June 25, 1974.

A nearby property owner, Mr. M. Lee Chullin, testified that he lives on Oriole Avenue on the west side of the subject property, and has lived there for approximately one and one-half years, and also operates a home improvement business from that location. The junk yard was in operation at the time that he purchased and moved into his property. His primary complaints are those of traffic congestion arising from customers of the respective operations on the subject property parking along the road, and more importantly, of wrecked

FIRST QUESTION PRESENTED

Did the appellees have a non-conforming use of substantially all of their property before and at the time of the adoption of the original zoning regulations?

Mr. Diffendall testified that title to the entire property was acquired before World War II, and they started using it, after they purchased it, as an auto graveyard. (Def. Ex. 1)

Tr. 53, at 18: Which parts of the parcels the cars were dropped?
A. All over.

Tr. 54, at 5: A. As I said, we used it all over the property, anywhere.

Tr. 54, at 9: Q. About how far back were you going at that time off Eastern Avenue?
A. 100, 500, 1,000, anywhere, in that dropping.
Q. Why would you go back 1,000 feet?
A. We go in the winter when the ground is hard and frozen, and we could go back further; in the mud, we drop it in front.

Tr. 56, at 15: Q. I am asking approximately... where were those rows of automobiles?
A. Right near the front but they run all the way to the back.

Tr. 61, at 17: Q. What parts of this property did Vince use for the salvaging of automobiles?
A. All the way down to the river before they put the road through there.

Tr. 83, at 5: A. We had cars all the way down to the river.
Q. Okay. A. As a matter of fact, they are still down there.

Tr. 85, at 13: Q. Mr. Diffendall, how long has this area up here been used for junking and wrecking cars?

A. Well, before Vick, before Vince, before them other two guys. As a matter of fact, the whole area, we parked cars anywhere we could when the weather was right. Even had trees growing up through them.

Q. Was that since the time you purchased the property?
A. Yes.

Diffendall and Angelos - #74-159-V

2.

vehicles parked along the public roadways. The Board is sympathetic to this complaint; however, we do not exercise the necessary control over the public roadways, and, of course, these alleged violations should be properly enforced by the police authorities.

Another resident testified on behalf of the prosecution, a Mrs. Grimm, who has lived at 8212 Diamond Point Road for some thirty-five years. Mrs. Grimm indicated that this junk yard operation has been in existence for the entire time that she has lived at her house. Her chief complaint is that the construction of the extension of Diamond Point Road by the State Highway Administration, which was initiated by the extension of the Beltway, caused all the trees and bushes to be removed and that now the junkyard operation has become an eyesore, whereas prior to the extension of Diamond Point Road the aforesaid trees and bushes completely screened the operations on the subject property from her view. Here again the Board can certainly sympathize with Mrs. Grimm with this unwanted result of "progress". However, the removal of the trees and bushes which have led to her objections are certainly beyond the control or power of the Defendant in this case.

There was no testimony from any of the witnesses for the prosecution to dispute or contest in any manner the fact that the complained of matters on the subject property were not a legal non-conforming use.

The Defendant-owner, Charles A. Diffendall, and several other witnesses testified on behalf of the Defendants. The uncontradicted testimony, which was amply supported by exhibits introduced as well as by other exhibits in the file, conclusively indicated to this Board that the property has been owned by the Defendant at least since the year 1936, and it has been used continuously for wrecking and junkyard operations since that time, or shortly thereafter. This, of course, would amount to a legal non-conforming use as having been in operation and established prior to the adoption of the original zoning maps for Baltimore County in 1945. The only portion of this property on which the non-conforming use might have been abandoned that the Board can determine is that portion to the north of the new Diamond Point Road as extended. This portion was not voluntarily abandoned by the Defendant, but rather the abandonment was caused by the condemnation by the State Highway Administration and the construction of the

The foregoing evidence constitutes a basis for the finding of fact by the Board that the property has been used continuously for wrecking and junkyard operations since the appellees acquired title, or shortly thereafter, with one exception, the portion north of New Diamond Point Road.

SECOND QUESTION PRESENTED

Did the appellees abandon the non-conforming use of the portion north of the New Diamond Point Road?

With respect to the portion of the property lying north of New Diamond Point Road, Mr. Vigneri testified to suspension for two years of the non-conforming use.

Tr. 119, at 21: Q. You have indicated there was a period of time that the area had been cleared, and I asked you if that was about the same period of time that they were constructing the road. Could you tell us whether or not that is fairly accurate?
A. All of that occurred within the same time period.

Tr. 120, at 20: Q. During that 2-year time were there any cars in this area?
A. No. I cleared them from the river up to the road area, because once they started building the road, I couldn't get across. I was digging for the subbase, and all, and there was no way I could have got those cars.

The foregoing evidence supports the finding of fact reached by the Board, to the effect that the non-conforming use of the portion of the property to the north of the New Diamond Point Road was suspended involuntarily, not abandoned. After the road was constructed, the non-conforming use was resumed. See Tr. 14 at line 16, et seq., in the testimony of Mr. Raphael, Zoning Inspector for Baltimore County.

Since there was substantial evidence to support the findings of fact of the Board, it is my opinion that the decision of the Board ought not to be reversed, for lack of evidence. There is substantial evidence in the record, upon which the Board made its findings of fact. I am not prepared to substitute my judgment of the facts for that of the Board, even should I desire to do so, which I do not.

BALTIMORE COUNTY, MARYLAND
V.
CHARLES A. DIFFENDALL, et al.

IN: THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Case No. 5858
MISC. LAW Docket 10
Folio 180

***** 74-159-V

OPINION AND ORDER

The County Board of Appeals decided that the property which is the subject of this action enjoys a continuous non-conforming use in its entirety, and dismissed all charges of zoning violations filed before the Zoning Commissioner against the property.

This decision was embodied in an order dated January 28, 1976, and with that order, the Board filed an opinion which includes a statement of the facts found, and the grounds for its decision, as required by Section 5(U) of Article 25A of the Annotated Code of Maryland, 1973 Replacement Volume.

The decision was appealed to this court, by Baltimore County, Maryland, as permitted by law. Baltimore County Charter, section 604; Annotated Code of Maryland, Article 25A, Section 5(U), 1973 Replacement Volume.

In the appeal petition, which was filed in this court as required by Maryland Rule 82.e., the appellant set forth the error committed by the County Board of Appeals, saying that the Board failed to recognize that the property owners have violated the zoning regulations, and saying further that the property owners are currently utilizing the property in the "pursuance of a junkyard business" without the benefit of a lawful non-conforming use. The relief sought is a reversal of the decision of the Board.

In their answer, the property owners deny the facts alleged in the petition relating to the alleged error committed by the County Board of Appeals, and ask that the decision of the Board be affirmed.

This court ordered a hearing on the petition and answer. No additional evidence was tendered, and arguments were heard upon evidence which was produced at the hearing before the County Board of Appeals, and which was transcribed, and forwarded to this court.

The appellant, through its attorneys J. Carroll Holzer, Harry S. Shapiro, and Philip V. Tamburello, filed with this court its "Memorandum in Support of Baltimore County's Appeal", which has been read and considered.

The property owners, through their counsel Thomas Minkin and Marc Shar, filed their "Memorandum in Opposition of Baltimore County's Appeal", which has also been read and considered.

Page 1 of 5

ORDER

Decision of the County Board of Appeals dated January 28, 1976, and filed in their case No. 74-159-V, affirmed.

BY ORDER OF THE CIRCUIT COURT FOR
BALTIMORE COUNTY, this 23rd day of
May, 1977.

Walter R. H.C.
Judge

Copies sent to:
Baltimore County Solicitor, J. Carroll Holzer
Chief Assistant County Solicitor, Harry S. Shapiro
Assistant County Solicitor, Philip V. Tamburello
County Board of Appeals
Marc S. Shar, Attorney
Thomas Minkin, Attorney
Administrative Office of this Court